

**Declaration of David Gulbransen**

**Exhibit 2  
Cited Unpublished Decisions**

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Attorneys for Plaintiff CHANEL, INC.

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHANEL, INC.,	)	Case No. C-09-04979 MHP
a New York corporation,	)	
	)	
Plaintiff,	)	<b><del>[PROPOSED]</del> TEMPORARY</b>
	)	<b>RESTRAINING ORDER AND</b>
v.	)	<b>ORDER TO SHOW CAUSE WHY A</b>
	)	<b>PRELIMINARY INJUNCTION</b>
RENE PALEY d/b/a	)	<b>SHOULD NOT ISSUE</b>
CHEAP-CHANEL-WATCHES.COM;	)	
and DOES 1-10,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

On October 19, 2009, Plaintiff, Chanel, Inc (“Chanel”) filed its Complaint against Defendants, Rene Paley (“Paley”), and Does 1-10 (collectively the “Defendants”), for alleged violations of trademark counterfeiting and infringement, false designation of origin, and cyberpiracy. Before the Court is Plaintiff’s *Ex Parte* Motion for Entry of a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Issue. Upon review of Plaintiff’s

1 Complaint, Motion and supporting evidentiary submissions, the Court finds (1) Plaintiff has shown a  
2 likelihood of success on its claims against Defendants for federal trademark infringement and  
3 counterfeiting, false designation of origin, and cyberpiracy and (2) Plaintiff will suffer irreparable  
4 harm unless Defendants are enjoined. The Court also finds that a temporary restraining order is  
5 necessary to prevent immediate and irreparable injury to Plaintiff's reputation and business before  
6 the hearing on the Order to Show Cause regarding the preliminary injunction and to preserve the  
7 status quo. The Court further finds that the balance of equities and the interests of justice support  
8 granting such relief.

9 Accordingly, it is hereby ORDERED the Plaintiff's *Ex Parte* Motion is GRANTED,  
10 according to the terms set forth below:

11 **TEMPORARY RESTRAINING ORDER**

12 IT IS HEREBY ORDERED that Defendants, their respective officers, directors, employees,  
13 agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants  
14 having notice of this Order are temporarily restrained from manufacturing, importing, advertising,  
15 promoting, offering to sell, selling, distributing, or transferring any products bearing the Chanel  
16 trademarks CHANEL and J12 or any confusingly similar trademark; from secreting, concealing,  
17 destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or  
18 distributed by Chanel, bearing the Chanel trademarks, or any confusingly similar trademarks; or (ii)  
19 any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of  
20 any products bearing the Chanel trademarks, or any confusingly similar trademarks.

21 IT IS FURTHER ORDERED that Defendants, their respective officers, directors, employees,  
22 agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants  
23 having notice of this Order shall immediately discontinue the use of the Chanel trademarks  
24 CHANEL and J12 or any confusingly similar trademarks in any manner, including on or in  
25 connection with Internet website businesses owned and operated or controlled by them, specifically  
26  
27  
28

1 including the Internet websites operating under the domain name: cheap-chanel-watches.com (the  
2 “Subject Domain Name”).

3 IT IS FURTHER ORDERED that Defendants, their respective officers, directors, employees,  
4 agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants  
5 having notice of this Order shall immediately discontinue the use of the Chanel trademarks  
6 CHANEL and J12 or any confusingly similar trademarks (1) within domain names, domain name  
7 extensions, metatags or other markers within their websites’ source code, (2) on any webpage  
8 (including as the title of any web page), (3) in any advertising links to other websites, from search  
9 engines’ databases or cache memory, and (4) in any other manner of use in which such Marks are  
10 visible to a computer user or serve to direct computer searches on search engines to websites  
11 registered by, owned, or operated by Defendants, including the Internet website operating under the  
12 Subject Domain Name.

13 IT IS FURTHER ORDERED that Defendants shall not transfer ownership of the Subject  
14 Domain Name during the pendency of this Action, or until further Order of the Court.

15 IT IS FURTHER ORDERED that the Registrar for the Subject Domain Name, Xin Net  
16 Technology Corporation, shall immediately lock the Subject Domain Name and provide to Plaintiff’s  
17 counsel, for deposit with this Court, a Registrar Certificate for the Subject Domain Name.

18 IT IS FURTHER ORDERED that the top level domain (TLD) Registry for the Subject  
19 Domain Names, Verisign, Inc., within 5 days of receipt of this Order shall place the Subject Domain  
20 Names on Registry Hold status, thus removing them from the TLD zone files maintained by the  
21 Registry which link the Subject Domain Name to the IP address where the associated website is  
22 hosted.

23 IT IS FURTHER ORDERED Defendants shall preserve copies of all their computer files  
24 relating to the use of any of the Subject Domain Name and shall take all steps necessary to retrieve  
25 and preserve computer files relating to the use of any of the Subject Domain Name and/or the  
26 website operating thereunder which may have been deleted before the entry of this Order.

1 IT IS FURTHER ORDERED that this Temporary Restraining Order shall remain in effect  
2 until the date for the hearing on the Order to Show Cause set forth below, or until such further date  
3 as set by the Court or stipulated to by the parties.

4 **SECURITY**

5 IT IS FURTHER ORDERED that Plaintiff shall post a bond in the amount of Ten Thousand  
6 Dollars (\$10,000.00), as payment of damages to which Defendants may be entitled for a wrongful  
7 injunction or restraint. Plaintiff shall post the bond prior to requesting the Registrar or Registry to  
8 take any action with respect to the Subject Domain Name.

9 **ORDER TO SHOW CAUSE WHY A PRELIMINARY**

10 **INJUNCTION SHOULD NOT ISSUE AND ORDER OF NOTICE**

11 IT IS ORDERED that Defendants shall show cause, unless Defendants waive the right to do  
12 so, before this Court in the United States Courthouse located at 450 Golden Gate Ave., San  
13 Francisco, California, Courtroom 15, 18th Floor, on November 19, 2009, at 2:00 pm or at  
14 such other time that this Court deems appropriate, why an order should not issue pursuant to Fed. R.  
15 Civ. P. 65(a), granting the preliminary injunctive relief restraining Defendants, their respective  
16 officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or  
17 participation with Defendants from engaging in the activities that are subject of the above Temporary  
18 Restraining Order.

19 IT IS FURTHER ORDERED that the Plaintiff shall serve a copy of the Motion for  
20 Temporary Restraining Order and this Order on all Defendants by emailing the Order to the email  
21 addresses provided by the Defendants to their Registrar and listed on their website, addresses  
22 [mygame6688@gmail.com](mailto:mygame6688@gmail.com) and [watches@igpal.com](mailto:watches@igpal.com) on or before October 27, 2009, and such  
23 notice shall so given shall be deemed good and sufficient service thereof. Any response or opposition  
24 to this Order to Show Cause must be filed and served <sup>on</sup> ~~or~~ Plaintiff's counsel forty-eight (48) hour  
25 prior to the hearing set for November 9, 2009, and filed with the Court, along with proof of  
26 service, on November 6, 2009. ~~Plaintiff shall file any~~ <sup>NO</sup> ~~Reply Memorandum on or before~~ shall be filed.

\_\_\_\_\_, 2009. The above dates may be revised upon stipulation by all parties and approval of this Court. Defendants are hereby on notice that failure to appear at the show cause hearing may result in the imposition of a preliminary injunction against them pursuant to 15 U.S.C. § 1116(d) and Fed. R. Civ. P. 65.

IT IS SO ORDERED.  
DATED: 10/26/2009



**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

FAROUK SYSTEMS, INC.

Plaintiff

v.

EYOU INTERNATIONAL TRADING COMPANY, LTD., FUZHOU HENQJU TRADE CO. LTD., EBRANDSALE TRADE CO. LTD., EBAGI TRADING CO. LTD., HANGZHOU DREAM CLOUDS GARMENT STORE, KING BOSE ELECTRONICS CO. LTD., YIWU XINWANG HARDWARE COMMERCIAL FIRM A/K/A/ QING TIAN ELECTRICAL TECHNOLOGY CO. LTD., BEIJING FUHENG SIHAI SCIENCE AND TECHNOLOGY CO. LTD., SHENYANG CITY SHENGHUAXING PARTS, FLAT CHY LTD. CO., SUANSU SHOP, ZHI CHI FASHION SHOES TRADING COMPANY, EBAYSON TRADING CO. LTD., KEMY DESIGN CRAFT WORK & CHI LTD., ZHUHAI XIANGZHOU KAIYUE COMPUTER FIRM, FLAT CHY IRON OUTLET, BRIGHT TRADE CO. LTD., NFL SUPPLIER TRADE CO. LTD. A/K/A/ S&S FASHION TRADING CO. LTD. A/K/A AILIKE INTERNATIONAL TRADE CO. LTD., HONG KONG ZEXI CO., LTD. A/K/A/ HONG KONG RAYBU TRADE CO., LIMITED, NFL SELL TRADE CO. LTD., AIRFLY TRADE COMPANY, ZHEJIANG PRIMATRUST INDUSTRY CO. LTD., SOFTWARE SUPPLIER CO., LTD., MYWAYHAIR CO., LTD., SHARING INTERNATIONAL INVESTMENT AND MANAGEMENT CO., LIMITED, VV SUPPLIER TRADE CO., LTD, HONG KONG YNITA GARMENTS, VICTORIA TRADE, HONGKONG ARTLER TRADING GROUP LIMITED A/K/A/ EXCELLENT SPORTS (HK) CO. LIMITED, LOL WHOLESALE TRADING INC., PUTIAN SHUNWANG TRADE CO., LTD. A/K/A/ SHINEWON COMPANY, HODONNET CO. LTD., DEAR GROUP LIMITED A/K/A HONGKONG AIBABYS 14. INDUSTRY CO. LTD., PROFESSIONAL HAIR CARE 16. SUPPLYER CO. LTD. A/K/A HAIR CARE WHOELSALE CO. LTD.,

Civil Action No. 4:10-cv-2672

**TEMPORARY RESTRAINING  
ORDER, SEIZURE ORDER, ASSET  
RESTRAINING ORDER, DOMAIN  
NAME TRANSFER ORDER,  
EXPEDITED DISCOVERY ORDER  
AND ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION**

**FILED UNDER SEAL  
PURSUANT TO 15 U.S.C. § 1116**

BETTERBUSINESS FASHION 18. TRADING CO., LTD., CHINA WANGYI TRADE CO. LTD., CHI & T3 HAIR CARE FOREVEROFFER CO. LTD. A/K/A MAKE HAIR BEAUTIFUL 21 CO. LTD., XIDA TRADE CO. LTD., HENGXIN INTERNATIONAL TRADE CO. LTD., FUZHOU HUAXIANG TRADE CO. LTD., E-TRADE CO. LTD., SUNFAVOR INDUSTRY DEVELOPMENT CO. LTD., LIKE GOODS TRADE CO. LTD., BEST WHOLESALER CO. LTD., SKY SHOPPING TRADE, EBUYG NET CO. LTD., JOHN AND JANE DOES AND XYZ COMPANIES,

Defendants.

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**TEMPORARY RESTRAINING ORDER, SEIZURE ORDER, ASSET RESTRAINING ORDER, DOMAIN NAME TRANSFER ORDER, EXPEDITED DISCOVERY ORDER AND ORDER TO SHOW CAUSE FOR PRELIMINARY INJUNCTION**

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Plaintiff FAROUK SYSTEMS, INC. (“Farouk” or “Plaintiff”) having moved *ex parte* against Defendants EYOU INTERNATIONAL TRADING COMPANY, LTD., FUZHOU HENQJU TRADE CO. LTD., EBRANDSALE TRADE CO. LTD., EBAGI TRADING CO. LTD., HANGZHOU DREAM CLOUDS GARMENT STORE, KING BOSE ELECTRONICS CO. LTD., YIWU XINWANG HARDWARE COMMERCIAL FIRM A/K/A/ QING TIAN ELECTRICAL TECHNOLOGY CO. LTD., BEIJING FUHENG SIHAI SCIENCE AND TECHNOLOGY CO. LTD., SHENYANG CITY SHENGHUAXING PARTS, FLAT CHY LTD. CO., SUANSU SHOP, ZHI CHI FASHION SHOES TRADING COMPANY, EBAYSON TRADING CO. LTD., KEMY DESIGN CRAFT WORK & CHI LTD., ZHUHAI XIANGZHOU KAIYUE COMPUTER FIRM, FLAT CHY IRON OUTLET, BRIGHT TRADE CO. LTD., NFL SUPPLIER TRADE CO. LTD. A/K/A/ S&S FASHION TRADING CO. LTD. A/K/A AILIKE INTERNATIONAL TRADE CO. LTD., HONG KONG ZEXI CO., LTD. A/K/A/ HONG KONG RAYBU TRADE CO., LIMITED, NFL SELL TRADE CO. LTD., AIRFLY TRADE COMPANY, ZHEJIANG PRIMATRUST INDUSTRY CO. LTD., SOFTWARE SUPPLIER



CO., LTD., MYWAYHAIR CO., LTD., SHARING INTERNATIONAL INVESTMENT AND MANAGEMENT CO., LIMITED, VV SUPPLIER TRADE CO., LTD, HONG KONG YNITA GARMENTS, VICTORIA TRADE, HONGKONG ARTLER TRADING GROUP LIMITED A/K/A/ EXCELLENT SPORTS (HK) CO. LIMITED, LOL WHOLESALER TRADING INC., PUTIAN SHUNWANG TRADE CO., LTD. A/K/A/ SHINEWON COMPANY, HODONNET CO. LTD., DEAR GROUP LIMITED A/K/A HONGKONG AIBABYS 14. INDUSTRY CO. LTD., PROFESSIONAL HAIR CARE 16. SUPPLYER CO. LTD. A/K/A HAIR CARE WHOELSALE CO. LTD., BETTERBUSINESS FASHION 18. TRADING CO., LTD., CHINA WANGYI TRADE CO. LTD., CHI & T3 HAIR CARE FOREVEROFFER CO. LTD. A/K/A MAKE HAIR BEAUTIFUL 21 CO. LTD., XIDA TRADE CO. LTD., HENGXIN INTERNATIONAL TRADE CO. LTD., FUZHOU HUAXIANG TRADE CO. LTD., E-TRADE CO. LTD., SUNFAVOR INDUSTRY DEVELOPMENT CO. LTD., LIKE GOODS TRADE CO. LTD., BEST WHOLESALER CO. LTD., SKY SHOPPING TRADE, EBUYG NET CO. LTD., JOHN AND JANE DOES, AND XYZ COMPANIES (collectively, “Defendants”) for a Temporary Restraining Order, Seizure Order, Asset Restraining Order, Domain Name Transfer Order, Expedited Discovery Order and Order to Show Cause for Preliminary Injunction (collectively, the “Order”) pursuant to Federal Rule of Civil Procedure 65 and the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et seq.*, as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473 (October 12, 1984), the Anticybersquatting Consumer Protection Act of 1996, Pub. L. 104-153 (July 2, 1996), and the Prioritizing Resources and Organization for Intellectual Property Act of 2007, H.R. 4279 (October 13, 2008) (the “Lanham Act”), for the reason that Defendants are distributing, offering for sale and/or selling, via the Internet, goods bearing counterfeit reproductions of Plaintiff’s federally registered trademarks, as listed in Plaintiff’s Complaint filed concurrently herewith and incorporated herein by reference, which trademarks (collectively, the “CHI Marks”) are owned and controlled by Plaintiff and used in

connection with products listed in Plaintiff's Complaint and incorporated herein by reference (collectively, the "CHI Products"), and the Court having reviewed the Complaint, Memorandum of Law, supporting Declarations and exhibits submitted herewith, finds:

1. Plaintiff is likely to succeed in showing that Defendants are part of an online counterfeiting ring, manufacturing, distributing, offering for sale and/or selling counterfeit CHI Products -- including but not limited to hair styling irons and other beauty products -- bearing counterfeits of Plaintiff's CHI Marks ("Counterfeit Products"), as well as counterfeits of other trademarked goods, at wholesale and retail to buyers in the United States, including in this Judicial District;

2. The distributing, offering for sale and/or selling of Counterfeit Products will result in immediate and irreparable injury to Plaintiff if injunctive relief is not granted;

3. Defendants have gone to great lengths to conceal and/or move themselves and their ill-gotten proceeds from Plaintiff's and this Court's detection and reach including by using multiple false identities and addresses associated with their operations and purposely-deceptive contact information;

4. Defendants would likely destroy, move, hide or otherwise make the Counterfeit Products, Defendants' means of selling and distributing Counterfeit Products, financial accounts used in connection with the sale of Counterfeit Products, and business records relating thereto inaccessible to the Court if Plaintiff was to proceed on notice to Defendants, thus frustrating the ultimate relief Plaintiff seeks in this action;

5. Plaintiff's harm from denial of the requested *ex parte* Order would outweigh any harm to Defendants' legitimate interests from granting such an Order;

6. Plaintiff has represented that it has not publicized the requested Order;

7. Plaintiff has provided the United States Attorney with reasonable notice of this application for an *ex parte* Order;

8. Plaintiff has demonstrated that Defendants are selling Counterfeit Products on their own specialized web pages of the online ‘business to business’ (“B2B”) selling platforms DIYtrade.com; Alibaba.com, Tradekey.com, and EC21.com and (“Defendant’s B2B Web Pages”) as well as by operating a large, fluid network of websites (“Defendants’ Websites”), as set forth in **Exhibit B** attached to the Declaration of Matthew Hewlett in support of this Order, including by using various domain names, including, without limitation, the following domain names containing the CHI Marks:

chibuyus.com, chifactoryoutlet-us.com, chiflatirona.com, chiflatironb.com, chiflatironc.com, chiflatironm.com, chiflatironn.com, chiflatironok.com, chiflatirons.com, chiflatironsa.com, chiflatironsv.com, chiflatironv.com, chiflatirony.com, chihaironline.com, chiironetop.com, chi-hair.com, ghdchis.com, ghdchisales.com, mk4chi.com

(collectively, the “Infringing Domain Names”); and

9. Entry of an Order other than an *ex parte* Temporary Restraining Order, Seizure Order, Asset Restraining Order, Domain Name Transfer Order, Expedited Discovery Order and Order to Show Cause for Preliminary Injunction would not adequately achieve the purposes of the Lanham Act to preserve Plaintiff’s equitable remedies for trademark counterfeiting, including: *inter alia*, the restraint of Defendants’ counterfeiting operations including Defendant’s Web Pages and Defendants’ Websites, the seizure of Defendants’ means of distributing, offering for sale and selling Counterfeit Products, the acquisition of the business records relating to Counterfeit Products, and preservation of Plaintiff’s right to an equitable accounting of proceeds from Defendants’ sale of Counterfeit Products.

THEREFORE, IT IS HEREBY ORDERED that Defendants show cause on or before the 17<sup>th</sup> day of August, 2010 at 8:30 a.m. or as soon thereafter as counsel can be heard, in Courtroom 11-A, in the United States District Court for the Southern District of Texas, 515 Rusk, 11<sup>th</sup> floor, Houston, Texas, why an order pursuant to Federal Rule of Civil Procedure 65 and Section 34 of the Lanham Act should not be entered granting Plaintiff a preliminary injunction as follows:

(a) Enjoining and restraining Defendants, their officers, agents, servants and employees and any persons in active concert or participation with them from:

(i) using Plaintiff's CHI Marks or any reproduction, counterfeit, copy or colorable imitation of Plaintiff's CHI Marks in connection with the distribution, advertising, offer for sale and/or sale of merchandise not the genuine products of Plaintiff, or in any manner likely to cause others to believe that Defendants' products are connected with Plaintiff or Plaintiff's genuine CHI Products bearing Plaintiff's CHI Marks; and

(ii) passing off, inducing or enabling others to sell or pass off any hair styling irons, hair dryers or other items which are not Plaintiff's genuine merchandise as and for Plaintiff's genuine merchandise; and

(iii) committing any other acts calculated to cause purchasers and/or the general public to believe that Defendants' products are Plaintiff's genuine merchandise unless they are such; and

(iv) shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner hair styling irons or other items falsely bearing Plaintiff's CHI Marks, or any reproduction, counterfeit, copy or colorable imitation of same; and

(v) utilizing the Infringing Domain Names and registering any additional domain names that use or incorporate any of Plaintiff's CHI Marks; and

(vi) operating Defendant's B2B Web Pages and Defendants' Websites.

(b) Impounding, during the pendency of this action, all Counterfeit Products in the current custody or control of Defendants and other materials and merchandise seized pursuant to the provisions of this Order.

(c) Restricting the transfer of Defendants' assets pursuant to the provisions of this Order hereinafter set forth.

(d) Ordering transfer of the Infringing Domain Names, whether by the domain name registry, namely VeriSign, Inc., or by the individual registrars, which hold one or more of the Infringing Domain Names, to a registrar of Plaintiff's selection to hold and disable the Infringing Domain Names until further order from this Court.

IT APPEARING to the Court that Defendants are distributing, offering for sale and/or selling Counterfeit Products, including via Defendant's Web Pages and Defendants' Websites, and will continue to carry out such acts unless restrained by Order of the Court, it is hereby:

ORDERED, that pending the hearing on Plaintiff's application for a Preliminary Injunction, Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them or third parties providing services used in connection with Defendants' operations including, without limitation, the online B2B selling platforms Alibaba.com, Tradekey.com, EC21.com and DIYtrade.com, or having knowledge of this Order by service, actual notice or otherwise be, and are, hereby temporarily restrained from:

- (a) Committing any of the acts set forth in subparagraphs (a)(i)-(vi) above;
- (b) Moving, destroying, or otherwise disposing of any items, merchandise or documents relating to the Counterfeit Products, Defendants' B2B Web Pages, Defendants' Websites, and/or Defendants' assets and operations; and
- (c) Removing, destroying or otherwise disposing of any computer files, electronic files, business records, or documents relating to Defendants' Web Pages, Defendants' Websites, Defendants' assets and operations or relating in any way to the manufacture, acquisition, purchase, distribution or sale of Counterfeit Products or any reproduction, counterfeit, copy or colorable imitation of Plaintiff's CHI Marks; and it is further

ORDERED, that discovery herein may begin immediately by Plaintiff by providing actual notice, pursuant to subpoena or otherwise, of this Order to any of the following: (1) Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them; (2) any banks, savings and loan associations, payment processors or other financial institutions, including without limitation, PayPal, or other merchant account providers, payment providers, third party processors, credit card associations (e.g., MasterCard and VISA), which receive payments or hold assets on Defendants' behalf; and (3)

any third party service providers, including without limitation the online B2B selling platforms DIYtrade.com, Alibaba.com, Tradekey.com and EC21.com and Internet service providers, back-end service providers, web designers, sponsored search engine or ad-word providers, shippers, domain name registrars and domain name registries who have provided services for Defendants; and it is further

ORDERED, that any third party providing services in connection with any Defendant, Defendants' B2B Web Pages and/or Defendants' Websites, including without limitation, the online B2B selling platforms DIYtrade.com, Alibaba.com, Tradekey.com, EC21.com and Internet Service Providers ("ISP") , back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant account providers including PayPal, third party processors and other payment processing services, shippers, domain name registrars and domain name registries (collectively "Third Party Providers") shall within two (2) days after receipt of such notice, provide copies of all documents and records in such person or entity's possession or control relating to:

(a) The identities and addresses of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them and the locations and identities of Defendants' operations, including without limitation, identifying information associated with Defendants' B2B Web Pages, Defendants' Websites, Infringing Domain Names and financial accounts;

(b). Defendants' B2B Web Pages and Defendants' Websites;

(c). The Infringing Domain Names or any domain name registered by Defendants; and

(d). Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including without

limitation, PayPal, Western Union, or other merchant account providers, payment providers, third party processors, credit card associations (e.g., MasterCard and VISA).

ORDERED, that the Temporary Restraining Order shall remain in effect until the date for hearing on the Order to Show Cause set forth above, or such further dates as set by the Court, unless Defendants stipulate, or have not objected, to the Preliminary Injunction; and it is further

ORDERED, that Plaintiff shall post a corporate surety bond, cash or a certified or attorney's check in the amount of ten thousand dollars \$10,000 as security, determined adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful seizure or restraint hereunder; and it is further

ORDERED, that Plaintiff may complete service of process on Defendants by electronic mail at the following one hundred and three (103) email addresses, which Plaintiff has demonstrated will provide adequate notice to Defendants pursuant to Fed. R. Civ. P. 4:

0086shopping@gmail.com, 21313783@QQ.com, 21ctradecom@gmail.com, aa@xidatrade.com, aaa4084@hotmail.com, airjay2388@yahoo.com, b2byeah@hotmail.com, bafqbssfei@gmail.com, banny-psw@hotmail.com, bestgoodsoffer@yahoo.com, bestwholesalerplatformceo@hotmail.com, brandkey@yahoo.com, brandname999@yahoo.com, brandshoescap@hotmail.com, chighd2009@gmail.com, christina\_0617@hotmail.com, ebagi22@gmail.com, ebagiorder@gmail.com, ebrandsale@hotmail.com, ecfare@cgpindustry.com, echo2010b2b@hotmail.com, ectrade66@yahoo.cn, eyoutrade@eyoutrading.com, fangztrade@gmail.com, fashionfordiscount@yahoo.cn, ghdfactory@gmail.com, good299@hotmail.com, goodtrade@21cn.com, guoshan1976@yahoo.cn, happyt2010@yahoo.com, hxtrade01@gmail.com, hzdc1@hotmail.com, iestrade2010@hotmail.com, jennyguo1900@gmail.com, ke-jin-yao@hotmail.com, kemydesign@hotmail.com, kingbose-service@hotmail.com, larry\_carry@163.com, lifangliao@yeah.net, linhang123@hotmail.com, linhaotrade86@hotmail.com, lukyzone2009@hotmail.com, lyx1002@gmail.com, maggielinxm@yahoo.com, mary@ebuyg.com, meiqun88@hotmail.com, mk4chi@hotmail.com, myway.sale@gmail.com, myway-sales@hotmail.com, nfl09sookie@gmail.com, nflhotsaleceo@gmail.com, nflsell@yahoo.cn, nflselling001@gmail.com, nflspicy@gmail.com, nflsupplier@hotmail.com, nfltradesusanna@gmail.com, nick.trademail@gmail.com, nikeaf1jordan08@msn.com, nikeprovide@hotmail.com, ouvi@qq.com, peter\_hsu61@yahoo.com.cn, popgift@yahoo.com, qi-junsheng@hotmail.com, reid\_wang@163.com, ruima.staff05@hotmail.com, sales@cn-eyou.com, sales@ebayson.com, service04@hotmail.com, servicekey1998@hotmail.com, shary168@hotmail.com, shgm02@hotmail.com,

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ORDERED, that sufficient cause having been shown, service of this Order together with the Summons and Complaint, which may be made on Defendants by electronic mail, and that such service shall be made within seven (7) days from the date of this Order or at such time as may be extended by this Court; and it is further

ORDERED, that Plaintiff's counsel file with the court within ten (10) business days after this Order is executed, an affidavit or declaration stating the date on which the Order was executed, the means of serving Defendants, whether domain names were seized and a description thereof and whether assets were seized and/or restrained a description thereof; and it is further

ORDERED, that in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, Defendants and their officers, servants, employees and agents and any persons in active concert or participation with them, and any banks, savings and loan associations, payment processors or other financial institutions, including without limitation PayPal, or other merchant account providers, payment providers, or third party processors for any Defendant, any of Defendants' operations, Defendants' B2B Selling Pages, Defendants' Websites or for any other website owned or controlled by Defendants, who receive actual notice of this Order, shall immediately locate all accounts connected to Defendants or Defendants' Websites and that such accounts be temporarily restrained and enjoined from transferring or disposing of any money or



other of Defendants' assets, without prior approval of the Court, except as to a Defendant that files with the Court and serves upon Plaintiff's counsel:

(1) an accounting of all of such Defendant's assets located in the United States having a value of two thousand dollars (\$2,000) or more, and the location and identity thereof; and

(2) uncontradicted documentary proof accepted by Plaintiff, (such acceptance not to be unreasonably withheld) that particular assets are not proceeds of Defendant's counterfeiting activities, in which case those particular assets shall be released to such Defendant; and it is further

ORDERED, that upon two (2) business day's written notice to the Court and Plaintiff's counsel, any Defendant may, upon proper showing, appear and move for the dissolution or modification of the provisions of this Order concerning the restriction upon transfer of Defendants' assets; and it is further

ORDERED that, pursuant to 15 U.S.C. § 1125(d)(1)(C), the Infringing Domain Names shall be transferred to Plaintiff pending further order of the Court; and it is further

ORDERED that the registry for each of the Infringing Domain Names, namely VeriSign, Inc., disable all existing Domain Name Server (DNS) entries and corresponding addresses for the Infringing Domain Names to prevent further damage caused by Defendants' use of these domain names, and transfer the Infringing Domain Names to a registrar of Plaintiff's choice pending further order of the Court; and it is further

ORDERED that the gaining registrar for each of the Infringing Domain Names replace all Domain Name Server (DNS) entries and corresponding addresses with such registrar's default Domain Name Server and address entries to prevent further damage caused by Defendants' use of the Infringing Domain Names; and it is further

ORDERED, that Defendants' answering papers, if any, shall be filed with the Clerk of this Court and served upon the attorneys for Plaintiff by delivering copies thereof to the offices of Greenberg Traurig, 1000 Louisiana Street, Suite 1700, Houston, TX 77002, Attention: Anthony Matheny, Esq., before 10:00 a.m. on August 16, 2010. Any reply shall be filed and served by Plaintiff by 8:30 a.m. on August 17, 2010; and it is finally;

ORDERED, that this action shall remain sealed by the Court until the date for hearing on the Order to Show Cause set forth above, at which time the Clerk shall remove the seal.

Defendants are hereby given notice that failure to attend the hearing scheduled herein may result in confirmation of the seizure authorized herein, destruction or other disposition of the goods seized, if any, immediate issuance of the prayed-for Preliminary Injunction to take effect immediately upon expiration or dissolution of the Temporary Restraining Order, and shall otherwise extend for the pendency of this litigation relief upon the same terms and conditions as comprise this Temporary Restraining Order. Defendants are hereby given further notice they shall be deemed to have actual notice of the issuance and terms of such Preliminary Injunction and any act by them or any one of them in violation of any of the terms thereof may be considered and prosecuted as contempt of this Court.

SIGNED at Houston, Texas this 2<sup>nd</sup> day of August, 2010.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt  
United States District Judge

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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CHANEL, INC.,	)	
a New York corporation,	)	
	)	
Plaintiff,	)	Case No. 2:10-cv-02684-BBD-dkv
	)	
v.	)	
	)	
DOES 7-172 d/b/a the aliases identified on	)	FILED UNDER SEAL
Schedule “A” and DOES 173-500	)	
	)	
Defendants.	)	
	)	

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**ORDER GRANTING *EX PARTE* APPLICATION FOR ENTRY OF A TEMPORARY  
RESTRAINING ORDER, SETTING HEARING ON PRELIMINARY INJUNCTION, AND  
ORDER TEMPORARILY SEALING THE FILE**

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THIS CAUSE is before the Court on Plaintiff’s *Ex Parte* Application for Entry of a Temporary Restraining Order and Preliminary Injunction and Order Temporarily Sealing the File (the “*Ex Parte* Application”). Plaintiff Chanel, Inc. (“Chanel”) moves *ex parte*, for entry of a temporary restraining order, and, upon expiration of the temporary restraining order, a preliminary injunction against Defendants Does 7-172 d/b/a as the aliases identified on Schedule “A” hereto and the Domain Names identified on Schedule “B” hereto (the “Subject Domain Names”) pursuant to 15 U.S.C. § 1116 and Fed. R. Civ. P. 65 for alleged violations of the Lanham Act, 15 U.S.C. §§ 1114, and 1125(a) and (d).



For reasons set forth herein, Plaintiff’s *Ex Parte* Application is GRANTED.

**I. Factual Background**

The Court bases this Order on the following facts from Plaintiff’s First Amended Complaint, *Ex Parte* Application, and supporting evidentiary submissions.

Chanel is a corporation duly organized under the laws of the State of New York with its principal place of business in the United States located at Nine West 57th Street, New York, New York 10019. Compl. ¶ 2. Chanel is engaged in the manufacture, promotion, distribution, and sale in interstate commerce, including within this Judicial District, of high quality products under the Chanel Marks. (Declaration of Pilar Toro (“Toro Decl.”) ¶ 4. Chanel is, and at all times relevant hereto has been, the owner of all rights in and to the following Federally registered trademarks:

<u>Trademark</u>	<u>Registration No.</u>	<u>Registration Date</u>
CHANEL	0,626,035	May 1, 1956
CHANEL	0,955,074	March 13, 1973
	1,314,511	January 15, 1985
CHANEL	1,347,677	July 9, 1985
CHANEL	1,571,787	December 19, 1989
CHANEL	1,733,051	November 17, 1992
J12	2,559,772	April 9, 2002
	3,025,934	December 13, 2005
CHANEL	3,133,139	August 22, 2006
	1,734,822	November 24, 1992
	1,501,898	August 30, 1988
	1,241,264	June 7, 1983
CHANEL	1,241,265	June 7, 1983
	1,271,876	March 27, 1984

CHANEL	0,915,139	June 15, 1971
CHANEL	1,510,757	November 1, 1988
	3,025,936	December 13, 2005
CHANEL	3,134,695	August 29, 2006
	1,654,252	August 20, 1991

(the “Chanel Marks”) which are registered in International Classes 9, 14, 18 and 25 and are used in connection with the manufacture and distribution of, among other things, handbags, wallets, costume jewelry, watches, shoes, boots and clothing. (Toro Decl. ¶ 4 and Composite Exhibit “1” attached thereto).

Defendants have advertised, offered for sale, and/or sold at least handbags, wallets, costume jewelry, watches, shoes, boots and clothing, bearing what Plaintiff has determined to be counterfeits, reproductions, and/or colorable imitations of the Chanel Marks. (Toro Decl. ¶¶ 12-14; Declaration of Brandon Scott (“Scott Decl.”) ¶ 4). Defendants are not now, nor have they ever been, authorized or licensed to use, reproduce, or make counterfeits, reproductions, and/or colorable imitations of the Chanel Marks. (Toro Decl. ¶ 9.)

Plaintiff retained Brandon Scott (“Scott”) of Brasco & Associates, LLC to investigate suspected sales of counterfeit Chanel branded products by Defendants. (Toro Decl. ¶ 10; Scott Decl. ¶ 3). On September 16, 2010, Scott accessed the Internet websites operating under the domain names Allbagshop.com, Chanelhandbagstore.com, Meetbags.com, Chanelbagsoutlet.com, Chanelbags2010.com, Evoguemail.com, Namebrandsfashions.com, Livedealmall.net, Purse-mall.com, and Brands-center.com, and placed orders for the purchase of Chanel branded handbags, wallets, shoes and sunglasses. (Scott Decl. ¶¶ 4, and Composite Exhibit “1”). Scott’s purchases were processed entirely online, which included providing

shipping and billing information, payment, and confirmation of his orders. (Scott Decl. ¶ 4 and Composite Exhibit “1”). Scott was able to communicate only electronically in connection with his purchase of the Chanel branded goods via the various websites. (Scott Decl. ¶ 4). A representative of Chanel inspected and analyzed the web page listings, including images, for the Chanel branded goods purchased by Scott and determined them to be a non-genuine Chanel products. (Toro Decl. ¶¶ 11-12.) Additionally, Chanel’s representative reviewed and visually inspected the items bearing the Chanel Marks offered for sale on all of the Internet websites operating under the Subject Domain Names and determined the products were non-genuine products. (Toro Decl. ¶ 13).

## **II. Conclusions of Law**

The Declarations Plaintiff submitted in support of its *Ex Parte* Application support the following conclusions of law:

A. Plaintiff has a very strong probability of proving at trial that consumers are likely to be confused by Defendants’ advertisement, promotion, sale, offer for sale, and/or distribution of handbags, wallets, watches, shoes, boots, clothing, sunglasses, watches, and costume jewelry, bearing counterfeits, reproductions, and/or colorable imitations of the Chanel Marks, and that the products Defendants are selling are copies of Plaintiff’s products that bear copies of the Chanel Marks on handbags, wallets, costume jewelry, watches, shoes, boots and clothing. *Feist Publication, Inc. v. Rural Telephone Service, Co., Inc.*, 499 U.S. 340, 361 (1991).

B. Because of the infringement of the Chanel Marks, Plaintiff is likely to suffer an immediate and irreparable injury if a temporary restraining order is not granted. *McDonald’s Corp. v. Robertson*, 147 F.3d 1301, 1310 (11<sup>th</sup> Cir. 1998). It clearly appears from the following specific facts, as set forth in Plaintiff’s First Amended Complaint, *Ex Parte* Application, and

accompanying Declarations on file that immediate and irreparable loss, damage, and injury will result to Plaintiff and to consumers before Defendants can be heard in opposition unless Plaintiff's request for *ex parte* relief is granted:

1. Defendants own or control Internet business operations which advertise, offer for sale, and sell at least handbags, wallets, costume jewelry, watches, shoes, boots and clothing, bearing counterfeit and infringing trademarks in violation of Plaintiff's rights;

2. Plaintiff has well-founded fears that more counterfeit and infringing handbags, wallets, costume jewelry, watches, shoes, boots and clothing bearing Chanel trademarks will appear in the marketplace; that consumers may be misled, confused, and disappointed by the quality of these products; and that Plaintiff may suffer loss of sales for its genuine products;

3. Plaintiff has well-founded fears that if it proceeds on notice to the Defendants on this *Ex Parte* Application, Defendants can easily and quickly transfer the registrations for many of the Subject Domain Names, or modify registration data and content, change hosts, and redirect traffic to other websites, thereby thwarting Plaintiff's ability to obtain meaningful relief;

4. The balance of potential harm to Defendants in restraining their trade in counterfeit and infringing branded goods if a temporary restraining order is issued is far outweighed by the potential harm to Plaintiff, its reputation and goodwill as a manufacturer of quality handbags, wallets, costume jewelry, watches, shoes, boots and clothing if such relief is not issued; and

5. The public interest favors issuance of the temporary restraining order in order to protect Plaintiff's trademark interests and protect the public from being defrauded by the

palming off of counterfeit goods as genuine goods of Plaintiff. *See Nike, Inc. v. Leslie*, 227 U.S.P.Q. 574, 575 (M.D. Fla. 1985).

Upon review of Plaintiff's First Amended Complaint, *Ex Parte* Application, and supporting evidentiary submissions, it is hereby

ORDERED that Plaintiff's *Ex Parte* Application is GRANTED, according to the terms set forth below:

### **TEMPORARY RESTRAINING ORDER**

(1) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of this Order are hereby temporarily restrained:

- (a) From manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing the Chanel trademarks identified in Paragraph 13 of the First Amended Complaint in this matter (the "Chanel Marks"), or any confusingly similar trademarks, other than those actually manufactured or distributed by Plaintiff; and
- (b) From secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by Plaintiff, bearing the Chanel Marks, or any confusingly similar trademarks; or (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products bearing the Chanel Marks, or any confusingly similar trademarks.

(2) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of this Order shall immediately discontinue the use of the Chanel Marks or any confusingly similar trademarks, on or in connection with all Internet websites owned and operated, or controlled by them including the Internet websites operating under the Subject Domain Names;

(3) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of



this Order shall immediately discontinue the use of the Chanel Marks, or any confusingly similar trademarks within domain name extensions, metatags or other markers within website source code, from use on any webpage (including as the title of any web page), any advertising links to other websites, from search engines' databases or cache memory, and any other form of use of such terms which is visible to a computer user or serves to direct computer searches to websites registered by, owned, or operated by Defendants, including the Internet websites operating under the Subject Domain Names;

(4) Defendants shall not transfer ownership of the Subject Domain Names during the pendency of this Action, or until further Order of the Court;

(5) The top-level domain (TLD) Registry for the Subject Domain Names, within ten (10) days of receipt of this Temporary Restraining Order shall change the Registrar of record for the Subject Domain Names to the United States based Registrar GoDaddy.com, Inc. where they will be placed in a holding account in trust for the Court. Upon transfer of the Subject Domain Names into the holding account, GoDaddy.com, Inc. will hold the Subject Domain Names in trust for the Court during the pendency of this action. Additionally, Go Daddy.com, Inc. shall immediately update the Domain Name System ("DNS") data it maintains for the Subject Domain Names, which links the domain names to the IP addresses where their associated websites are hosted, to NS1.MEDIATEMPLE.NET and NS2.MEDIATEMPLE.NET, which will cause the domain names to resolve to the website where a copy of the First Amended Complaint, Summons and Temporary Restraining Order and other documents on file in this action are displayed. Alternatively, Go Daddy.com, Inc. may institute a domain name forwarding which will automatically redirect any visitor to the Subject Domain Names to the following Uniform Resource Locator ("URL") <http://servingnotice.com/oft/index.html> whereon a copy of the First

Amended Complaint, Summons and Temporary Restraining Order and other documents on file in this action shall be displayed. After Go Daddy.com, Inc. has effected this change the Subject Domain Names shall be placed on Lock status, preventing the modification or deletion of the domains by the registrar or the Defendant;

(6) Defendants shall preserve copies of all their computer files relating to the use of any of the Subject Domain Names and shall take all steps necessary to retrieve computer files relating to the use of the Subject Domain Names and that may have been deleted before the entry of this Order;

(7) This Temporary Restraining Order shall remain in effect until the date for the hearing on the Motion for Preliminary Injunction set forth below, or until such further dates as set by the Court or stipulated to by the parties;

(8) This Temporary Restraining Order shall apply to the Subject Domain Names and any other domain names properly brought to the Court's attention and verified by sworn affidavit to be used by Defendants for the purpose of counterfeiting the Chanel Marks at issue in this action and/or unfairly competing with Chanel in connection with search engine results pages;

#### **BOND TO BE POSTED**

(9) Pursuant to 15 U.S.C. § 1116(d)(5)(D), Plaintiff shall post a bond in the amount of Twenty Thousand Dollars and Zero Cents (\$20,000.00), as payment of damages to which Defendants may be entitled for a wrongful injunction or restraint. Plaintiff shall post the bond prior to requesting the Registries to transfer control of the Subject Domain Names;

#### **PRELIMINARY INJUNCTION**

(10) A hearing is set before this Court in Courtroom Number 3 on the 9<sup>th</sup> floor of the Clifford Davis and Odell Horton Federal Building, 167 North Main Street, Memphis, Tennessee,

on November 15, 2010, at 2:00 p.m., or at such other time that this Court deems appropriate, on Plaintiff's Motion for a Preliminary Injunction restraining Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants from engaging in the activities that are subject of the above Temporary Restraining Order;

(11) Plaintiff shall serve a copy of the *Ex Parte* Application and this Order and all other pleadings and documents on file in this action on Defendants by posting a copy of the *Ex Parte* Application and this Order on the website located at <http://servingnotice.com/oft/index.html> within forty-eight (48) of the Subject Domain Names being transferred to the Go Daddy holding account and such notice shall so given shall be deemed good and sufficient service thereof. Plaintiff shall thereafter further provide notice of these proceedings and copies of the documents on file in this matter to Defendants using all email addresses identified in the registration data for each of the Subject Domain Names. Any response or opposition to Plaintiff's Motion for Preliminary Injunction must be filed and served on Plaintiff's counsel forty-eight (48) hours prior to the hearing set for November 15, 2010, and filed with the Court, along with Proof of Service, on November 13, 2010. Plaintiff shall file any Reply Memorandum on or before November 14, 2010. The above dates may be revised upon stipulation by all parties and approval of this Court. Defendants are hereby on notice that failure to appear at the hearing may result in the imposition of a preliminary injunction against him pursuant to 15 U.S.C. § 1116(d) and Fed. R. Civ. P. 65.

**SEAL ORDER**

(12) It is further **ORDERED** that for good cause shown, Plaintiff's Motion for Order Temporarily Sealing the File is **GRANTED**. The file in this case shall remain sealed until the Subject Domain Names are transferred to the Court's control as ordered herein. At that time, the Court will enter an order unsealing the file and directing the Clerk to make all documents on file in this matter accessible to the public. Notwithstanding the foregoing Chanel may file additional sworn Affidavits as contemplated in Paragraph 8 hereof under seal and those Affidavits and any further Orders resulting there from shall be maintained under seal until released by further Order of this Court.

IT IS SO ORDERED.

DATED: November 1, 2010 at 2:00 p.m.

s/Bernice Bouie Donald  
BERNICE B. DONALD  
UNITED STATES DISTRICT JUDGE

**SCHEDULE A**  
**DEFENDANT DOES 7-172 ALIASES**

???

Adam Wong

Airjordanforsale

Alotshoes Alotshoes

Andrei Grischechkin

Anuo

Asd Asd

Azhong Chen

Bai Fiefie

Barbara Palmer

Cai Lingling

Changwen Tu

Chen Chen

Chen Hai

Chen Yang

Chenhaibin

Chenshaofa

Chenzhixin

Chlsale Inc.

Christian Louboutin

Dan Liu

Dawi Chan

Dearpurses

Digirock, Inc.

Domains By Proxy, Inc.

Dongdong Zhao

Edgar Torres

Eishe Eishe

Endeavor I.E.

Eshishang

Fang Tao

Fangchen

Feng Feng

Gao Fei

Gao Ting

Gaomeng

Gdasgf

Ghijkl

Guangguang Xu

Guangzhou Boyee Information Technology Co.,

Guo Yanya

Haiao Network

Han Guang

Huang Jianying  
Huangyang Guo  
Huizhen Lin  
Huyitian  
Hyb  
Irene Pan  
James Donald  
Jeremy Tirolle  
Jia Liu  
Jian Lin  
Jiancheng Lin  
Jiang Zhihua  
Jianhaokan  
Jianming  
Jianqing Chen  
Jinxian Zhang  
Jun Jie  
Kevin Lee  
Koji  
Ksaler.Com  
Lewis  
Li Hang  
Li Kaitai  
Li Ping Xu  
Li Xiao  
Lijinda  
Lijun  
Lila Banafshe  
Lin Zhi Ping  
Linhaoran  
Liu Hao  
Liu Jun  
Liu Ming  
Liu Xiu Gao  
Liu Yunfei  
Liujinfa  
Liumaying  
Liyanghua  
Luo Yang  
Marco Gonzales  
Merry Liny  
Ming Zhao  
Ni Lu Yang  
Onepound  
Panbenhai  
Peng Cheng

Privacyprotect.Org  
Protected Domain Services  
Pryor Bill  
Qiang Teng  
Ren Xue  
Ru Hua  
Samdy Chen  
Sean Mcneill  
Sebastian  
Shang Yanghui  
Shi Juan Yao  
Shiping Fang  
Sihua Maoyi Co., Ltd  
Simon Chen  
Steven Wangkk  
Su Qimei  
Su Xin  
Suen Wei  
Tanjuanjuan  
U-Replica-Watches  
Us880  
Value Domain  
Wang Hua  
Wang Shihuang  
Wang Xiaoqiang  
Wangjiangchuan  
Wangxiqin  
Webhost Ltd  
Wei Xiao  
Wen Dapao  
Weng Huangteng  
Wenjin Li  
Whoisguard  
Whoisprotection.Cc  
Wholesale-Here Inc  
William King  
Wu Xin  
Wuji  
Wuxiaoying  
Xiang Long Commerce Company  
Xiaoli Chen  
Xiaosuona  
Xie Jiayi  
Xie Li  
Xieling  
Xu Defu

Xu Qing  
Yangxueli  
Youmeihui  
Yunfei Liu  
Zhang Bin  
Zhang Chuhong  
Zhang Jie  
Zhang San  
Zhangyong  
Zhao Kuang Yin  
Zhej China  
Zheng Liquan  
Zhonshuntao  
Zhu Jun Wen  
Zihan Meng  
北京春秋建礼品店



**SCHEDULE B**  
**SUBJECT DOMAIN NAMES**

21centurybags.com  
4bag4.com  
8afashion.com  
airjordanforsale.com  
allbagshop.com  
allofbags.com  
allofchanel.com  
alotshoes.org  
an-christianlouboutin.com  
bagaol.com  
bagfrance.com  
bagsboard.org  
bagscabin.com  
bagsfrance.com  
bagsfrench.com  
bagshobby.com  
bagsop.com  
bagsship.org  
bagsshow.com  
bestaring.com  
brandjewelrysale.com  
brands-center.com  
buybagshere.com  
buychaneljewelryonline.com  
buycocochanel.com  
buy-designer-boots.com  
calbrena.com  
cartierreplicawatches.net  
centermalls.com  
chanelashop.com  
chanelbagoutlet.com  
chanelbags2.com  
chanelbags2010.com  
chanelbagsoutlet.com  
chanelcocoonsale.com  
chanelfan.com  
chanelhandbagstore.com  
chaneljewelry.org  
chaneljewelryonsale.com  
chanel-online-shop.com  
chanel-outlets-store.com  
chanel-outlet-store.com  
chaneloutletstore.net

chaneloutletstores.com  
chanelsonline.com  
chanel-sunglass-lover.com  
cheapbagstore.com  
cheap-chanel.com  
cheapchanelbags.us  
cheap-chanel-shopping.com  
cheapchanelwatches.com  
cheapclarksshoes.com  
cheapretrojordan.com  
chinacheapbags.com  
chinawholesalesunglasses.com  
chlsale.com  
christianlouboutinsaleuk.net  
christian-louboutin-shoes.org  
coachhandbagss.com  
cocobags.com  
cocoschanel.com  
csscoosite.com  
designer2shoes.com  
discounts-christianlouboutin.com  
eby-store.com  
ec23.com  
enreplicas.net  
eshishang.com  
eshoesworld.com  
eurluxury.com  
evoguemail.com  
famousbrandshop.com  
fashionjewelrysale.com  
fendsell.com  
freplicahandbags.com  
freplicahandbags.com  
getchinabest.com  
global-bag.com  
go-handbags.com  
guccionlineoutlet.net  
guccisoutlet.com  
handbagair.net  
handbagsangel.com  
ikeepall.com  
iluxuryonline.com  
inikesneakers.com  
ksaler.com  
ladyhandbagssale.com  
largejewelrysite.com

lirenhandbags.com  
livedealmall.net  
louis-vuitton-outlet.net  
lovechanelhandbags.com  
lovesmall.com  
luckywholesaler.com  
luxury-handbags-lady.com  
luxuryowner.net  
mainbags.org  
meetbags.com  
mirrorwatch.com  
mmebay.com  
mybagsroom.net  
mylike123.com  
my-luxuryhandbags.com  
myphonecard.cn  
myretrokicks.com  
mysubmariner.com  
namebrandsfashions.com  
nikespaces.com  
obhandbags.com  
okeyxixi.com  
patty-schnyder.com  
pick-designer-shoes.com  
prevalentbags.com  
pursefocus.com  
purse-mall.com  
replica4sgs.com  
replicabags4u.com  
replicabagscenter.com  
replicabagscn.com  
replicachannels.com  
replicacn.net  
replicaexpert.us  
replicahandbags963.com  
replicahandbagss.com  
replicainchina.com  
replicaonlinebags.com  
replica-product.com  
replicaslouisvuitton.net  
replicatiffanys.net  
replicawatches5.com  
replicawatcheshk.com  
salebesthandbags.com  
sale-sunglasses.net  
sandalsbay.com

sf46.com  
shehandbag.net  
shoeinshoes.com  
shoes2toryburch.com  
shoesbagsbags.com  
silverdesignerjewelry.com  
silverjewelrylife.com  
sogokey.com  
sunglassesfield.com  
sunglassesoo.com  
sunglassesviponsale.com  
sunglassssky.com  
tiffanyreplicas.net  
tiffanysjewelry.net  
top1handbag.com  
topareplicas.com  
topchanelbagsonsale.com  
tophotwatches.com  
topursestore.com  
u-replica-watches.com  
us-sunglassesale1.com  
vipsneaker.com  
wantlouboutinshoes.com  
watcheslux.com  
watchsever.com  
wholesale567.com  
wholesale-here.com  
wholesale-hub.com  
wholesale-mall.com  
wholesaler-handbag.com  
women2shoes.com

Memphis 1882519v1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 10-CV-60585-COHN/SELTZER

CHANEL, INC.,  
a New York Corporation,

Plaintiff,

v.

LIU ZHIXIAN  
and DOES 1-10,

Defendants.

\_\_\_\_\_ /

**TEMPORARY RESTRAINING ORDER AND STATUS REPORT ORDER**

**THIS CAUSE** is before the Court on Plaintiff's *Ex Parte* Application for Entry of a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Issue [DE 6] ("Motion"). The Court has carefully considered the Motion and is otherwise advised in the premises.

Plaintiff, Chanel, Inc. ("Chanel") moves *ex parte*, pursuant to 15 U.S.C. § 1116 and Rule 65 of the Federal Rules of Civil Procedure, for entry of a Temporary Restraining Order against Defendants Liu Zhixian and Does 1-10 (collectively the "Defendants") d/b/a chanel2u.com, chanel4u.com, chanel-belts.com, chanelbikini.com, chanel-rings.com, chanel-sandals.com, chanel-scarf.com, chanelswimwear.com, chaneltalk.com, okchanel.com, and brandshoesbar.com (the "Subject Domain Names"), for alleged violations of the Lanham Act, 15 U.S.C. §§ 1114, 1125(a), and 1125(d). Plaintiff alleges that Defendants "are promoting, advertising, distributing, offering for sale and selling counterfeit and infringing Chanel branded products within this Judicial District through various fully interactive commercial Internet websites." DE 6 at 1.

According to Plaintiff,

Defendants have (1) deprived Chanel of its right to determine the manner in which Chanel's trademarks are presented to the public through merchandising; (2) defrauded the public into thinking Defendants' goods are valuable, authorized goods of Chanel; (3) deceived the public as to Chanel's sponsorship and/or association of Defendants' goods and the websites through which such goods are marketed and sold; and (4) wrongfully traded and capitalized on Chanel's reputation and goodwill and the commercial value of Chanel's trademarks.

Id. at 2.

Rule 65 sets forth the procedures for obtaining a temporary restraining order:

The court may issue a temporary restraining order without written or oral notice to the adverse party or its attorney only if: (A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition; and (B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

Fed. R. Civ. P. 65(b)(1).

The Court has reviewed Plaintiff's Complaint, Application, and supporting evidentiary submissions. Plaintiff has set forth in affidavits specific facts that clearly show Defendants are marketing and selling counterfeit versions of Plaintiff's merchandise. Consequently, the Court finds that a temporary restraining order is necessary to prevent continuing, immediate and irreparable injury to Plaintiff.

Furthermore, Plaintiff's counsel has certified in writing that it has attempted to notify Defendants of this action. Plaintiff's counsel has explained in a detailed, sworn declaration the efforts he has made to identify Defendants' identities and addresses. For example, Plaintiff investigated the physical contact addresses provided for the Subject Domain Names and determined the addresses to be false or invalid. Plaintiff's

counsel, therefore, has adequately described the efforts he has made to give Defendant notice of this action and the reasons why notice should not be required.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that Plaintiff's *Ex Parte* Application for Entry of a Temporary Restraining Order and Order to Show Cause Why a Preliminary Injunction Should Not Issue [DE 6] is **GRANTED IN PART** as follows:

**TEMPORARY RESTRAINING ORDER**

1. Defendants, their respective officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of this Order are temporarily restrained from manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing the Chanel trademarks identified in Paragraph 9 of the Complaint in this matter (the "Chanel Marks"), or any confusingly similar trademarks; from secreting, concealing, destroying, selling off, transferring, or otherwise disposing of the following: (i) any products, not manufactured or distributed by Chanel, that bear the Chanel Marks, or any confusingly similar trademarks; or (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products bearing the Chanel Marks, or any confusingly similar trademarks;
2. Defendants, their respective officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of this Order shall immediately discontinue the use of the Chanel Marks or any confusingly similar trademarks, on or in connection with

all Internet websites owned and operated, or controlled by them including the Internet websites operating under the Subject Domain Names.

3. Defendants, their respective officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of this Order shall immediately discontinue the use of the Chanel Marks or any confusingly similar trademarks, on or in connection with all Internet websites owned and operated, or controlled by them including the Internet websites operating under the Subject Domain Names.
4. The top level domain (TLD) Registry for the Subject Domain Names within five (5) days of receipt of this Temporary Restraining Order will deposit control of the Subject Domain Names into the registry of the Court. While the Subject Domain Names are in the registry of the court, the TLD registry will place them on “hold” status and remove the domains from the TLD zone files maintained by the Registry which link the domain names to the IP address where the sites are hosted.
5. Defendants shall preserve copies of all their computer files relating to the use of any of the Subject Domain Names and shall take all steps to retrieve computer files relating to the use of the Subject Domain Names and that may have been deleted before the entry of this Order.
6. This Temporary Restraining Order shall take effect at 5:00 p.m. on April 21, 2010 and remain in effect until 5:00 p.m. on May 5, 2010. Pursuant to Rule 65(b)(2), upon a showing of good cause, the Court may extend the Temporary Restraining Order for a like period.



7. Pursuant to 15 U.S.C. § 1116(d)(5)(D), Plaintiff shall post a bond in the amount of Ten Thousand Dollars and Zero Cents (\$10,000.00), as payment of damages to which Defendants may be entitled for a wrongful injunction or restraint. Plaintiff shall post the bond prior to requesting the Registrars or Registry to transfer control of the Subject Domain Names to the Court registry.

**Order Denying Without Prejudice Application for Order to Show Cause Why a Preliminary Injunction Should Not Issue**

Plaintiff has moved the Court to enter an order for Defendants to show cause why a preliminary injunction should not issue. See Motion. The Court, however, may issue a preliminary injunction “only on notice to the adverse party.” Fed. R. Civ. P. 65(1). Here, a review of the docket reveals that Defendants have not yet been served in this action. Thus, it is not apparent how Defendants will be put on notice of the preliminary injunction hearing.

Accordingly, it is **ORDERED AND ADJUDGED** that Plaintiff will file a **STATUS REPORT** no later than May 3, 2010, indicating what efforts Plaintiff has made to serve Defendants, what further efforts Plaintiff will make to effectuate service of process on Defendants (e.g., publication in print, publication on websites, etc.),<sup>1</sup> why such a method of effectuating service is legally sufficient under the facts of this case, and whether Plaintiff intends to move for a preliminary injunction before the expiration of the

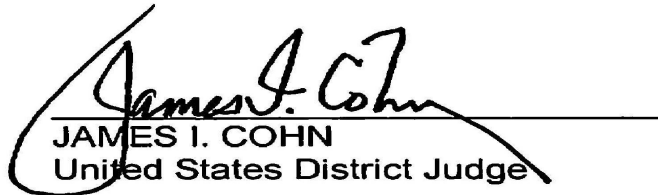
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<sup>1</sup> For example, in National Association for Stock Car Auto Racing, Inc. v. Does, 584 F. Supp. 2d 824, 826 (W.D. N.C. 2008), the United States District Court for the Western District of North Carolina determined in a counterfeit goods case that Plaintiff NASCAR could serve “Doe” defendants and apprise those defendants of a pending preliminary injunction hearing via publication on the NASCAR website. Id. (citing Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306, 315-16 (1950)).

Temporary Restraining Order.

It is **FURTHER ORDERED AND ADJUDGED** that Plaintiff's Application for Order to Show Cause Why a Preliminary Injunction Should Not Issue [DE 6] is **DENIED WITHOUT PREJUDICE**.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida this 21st day of April, 2010.

  
JAMES I. COHN  
United States District Judge

Copies provided to counsel of record.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DECKERS OUTDOOR CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 11-cv-10
	)	<b>Honorable Judge Darrah</b>
DOES 1-55 d/b/a the aliases identified on	)	
Schedule "A" and DOES 56-500,	)	
	)	
Defendants.	)	
	)	
	)	

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**ORDER**

THIS CAUSE being before the Court on Plaintiff's Ex Parte Application for entry of a Temporary Restraining Order and Preliminary Injunction, Domain Name Transfer Order, Asset Restraining Order, Expedited Discovery Order and Order to allow Service by Electronic Mail and (the "Ex Parte Application") and the Court having heard the evidence before it, this Court hereby GRANTS Plaintiff's Ex Parte Application in its entirety and orders as follows:

1. Defendants, their officers, agents, servants and employees and any persons in active concert or participation are hereby temporarily, preliminarily and permanently enjoined from:
  - a. using Deckers' UGG Trademark or any reproduction, counterfeit, copy or colorable imitation of Deckers' UGG Trademark in connection with the distribution, advertising, offer for sale and/or sale of merchandise not the genuine products of Deckers, or in any manner likely to cause others to believe that Defendants' products

- are connected with Deckers or Deckers' genuine UGG products bearing Deckers' UGG Trademark;
- b. passing off, inducing or enabling others to sell or pass off any boots, sandals, or other items which are not Deckers' genuine merchandise as Deckers' genuine merchandise;
  - c. committing any other acts calculated to cause purchasers and/or the general public to believe that Defendants' products are Deckers' genuine merchandise unless they are such;
  - d. shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner sheepskin boots or other items falsely bearing Deckers' UGG Trademark, or any reproduction, counterfeit, copy or colorable imitation of same;
  - e. utilizing the Defendant Domain Names and registering any additional domain names that use or incorporate any of Deckers' UGG Trademark; and
  - f. restricting the transfer of Defendants' assets pursuant to the provisions of this Order hereinafter set forth;
2. The top-level domain registry for the Defendant Domain Names, within two (2) business days of receipt of the Temporary Restraining Order, shall transfer the Defendant Domain Names to a registrar of Deckers' selection to hold and disable the Defendant Domain Names until further order from this Court;
  3. That discovery herein may begin immediately by Deckers by providing actual notice, pursuant to subpoena, e-mail or otherwise, of this Order to any of the following:
    - a. Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them;

- b. any banks, savings and loan associations, payment processors or other financial institutions, including without limitation, PayPal, or other merchant account providers, payment providers, third party processors, credit card associations (e.g., MasterCard and VISA), which receive payments or hold assets on Defendants' behalf; or
- c. any third party service providers, including without limitation the online B2B selling platforms Internet service providers, backend service providers, web designers, sponsored search engine or ad-word providers, shippers, domain name registrars and domain name registries who have provided services for Defendants;.


4. That any that any third party providing services in connection with any Defendants, Defendants websites at the Defendant Domain names or other website operated by Defendants including without limitation, Internet Service Providers ("ISP") , back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant account providers including PayPal, third party processors and other payment processing services, shippers, domain name registrars and domain name registries (collectively "Third Party Providers") shall within two (2) business days after receipt of such notice, provide to Deckers copies of all documents and records in such person or entity's possession or control relating to:

- a. The identities and addresses of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them and the locations and identities of Defendants' operations, including without limitation, identifying information associated with Defendants' Websites, Defendant Domain Names and financial accounts;

- b. Defendants' websites;
  - c. The Defendant Domain Names or any domain name registered by Defendants; and
  - d. Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including without limitation, PayPal, Western Union, or other merchant account providers, payment providers, third party processors, credit card associations (e.g., MasterCard and VISA);
5. That Deckers may complete service of process on Defendants by electronic mail at the e-mail addresses identified in Schedule A to Deckers' Complaint filed in this matter; such service shall be made immediately upon Deckers' receiving notice that the Third Party Providers have fully complied with the requirements of this Order.
6. That in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, Defendants and their officers, servants, employees and agents and any persons in active concert or participation with them, and any banks, savings and loan associations, payment processors or other financial institutions, including without limitation PayPal, or other merchant account providers, payment providers, or third party processors for any Defendant, any of Defendants' operations, Defendants' websites or for any other website owned or controlled by Defendants, who receive actual notice of this Order, shall immediately locate all accounts connected to Defendants or Defendants' Websites and that such accounts be temporarily restrained and enjoined from transferring or disposing of any money or other of

Defendants' assets, without prior approval of the Court, except as to a Defendant that files with the Court and serves upon Deckers' counsel within two (2) business days' of written notice to the Court and Deckers' counsel, may, upon proper showing that particular assets are not proceeds of Defendants' counterfeiting activities, appear and move for the dissolution or modification of the provisions of this Order concerning the restriction upon transfer of Defendants' assets accordingly;

7. That this action shall remain sealed by the Court until the date for hearing on the Order to Show Cause set forth above, at which time the Clerk shall remove the seal;
8. That Deckers sign and file with the Court a personal guarantee in the amount of five hundred thousand dollars \$500,000 as security, determined adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful restraint hereunder.
9. This Temporary Restraining Order without notice is entered at 11 a.m. on February 3, 2011 and the matter is continued until February 15, 2011

  
JOHN W. DARRAH  
United States District Court Judge

2/3/11

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DECKERS OUTDOOR CORPORATION,	)	
	)	
Plaintiff,	)	Case No. 11-cv-7970
	)	
v.	)	<b>Honorable Ronald A. Guzman</b>
	)	
DOES 1-101 d/b/a the aliases identified on	)	<b>Magistrate Martin C. Ashman</b>
Schedule "A" and DOES 102-500,	)	
	)	
Defendants.	)	
	)	
	)	

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SEALED ORDER

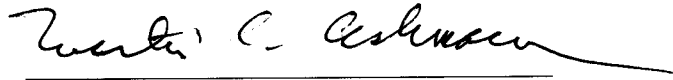
THIS CAUSE being before the Court on Plaintiff's Motion to Extend the Temporary Restraining Order, and the Court having heard the evidence before it hereby GRANTS Plaintiff's Motion in its entirety and orders as follows:

- (1) That the Temporary Restraining Order ("Order") entered on November 15, 2011 shall be extended for a period of fourteen (14) days until <sup>10</sup>~~9:00~~ A.M. on December 13, 2011 and shall apply to the Defendants and Defendant Domain Names identified in Schedule A attached to the original Order and to the newly discovered domain names operated by Defendants and identified in Schedule B attached hereto;
- (2) A hearing is set before this Court in the United States Courthouse located at 219 South Dearborn Street, Chicago, Illinois 60604, Courtroom 1801 on Monday December 12, 2011, at 10:30 A.M. or at such other time that this Court deems appropriate, on Deckers' Motion for a Preliminary Injunction against Defendants extending the relief granted to Deckers in the Order until the disposition of these proceedings; and



(3) Pursuant to paragraph 6 of the Order, Deckers will provide notice of these proceedings and the above preliminary injunction hearing to Defendants by electronic mail at the e-mail addresses identified in Schedule A to Deckers' Complaint and electronic publication at the Defendant Domain Names which are transferred to Deckers' control; such notice shall be made immediately upon Deckers' receiving notice that the Third Party Providers have fully complied with the requirements of this Order.

ENTERED at 28 on November 28, 2011

A handwritten signature in black ink, appearing to read "Martin C. Ashman", written over a horizontal line.

U.S. District Court Magistrate Judge Martin C. Ashman

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**DECKERS OUTDOOR  
CORPORATION,**

**Plaintiff,**

**v.**

**DOES 1-100 d/b/a the alias identified  
in Schedule "A,"**

**Defendants.**

**No. 12 C 5523**

**SEALED ORDER**

This matter is before the court on Plaintiff Deckers Outdoor Corporation's (Deckers) *Ex Parte* Motion for entry of a Temporary Restraining Order, Domain Name Transfer Order, Asset Restraining Order, Expedited Discovery Order and Order to allow Service by Electronic Mail and Electronic Publication (Ex Parte Motion) against Defendants identified in Schedule A, and attached hereto, by each unique email address and using at least the domain names identified in Schedule A (Defendant Domain Names) and the online marketplace accounts identified in Schedule A (Online Marketplace Accounts), and this Court having heard the evidence before it hereby GRANTS Plaintiff's Ex Parte Motion in its entirety and orders that:

Defendants, their officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert

with them be temporarily enjoined and restrained from:

(1) using Deckers' UGG Trademark or any reproductions, counterfeit copies or colorable imitations thereof in any manner in connection with the distribution, advertising, offering for sale, or sale of any product that is not a genuine Deckers' UGG branded product or not authorized by Deckers to be sold in connection with Deckers' UGG Trademark;

(2) passing off, inducing, or enabling others to sell or pass off any product as a genuine UGG branded product or any other product produced by Deckers, that are not Deckers' or not produced under the authorization, control or supervision of Deckers and approved by Deckers for sale under Deckers' UGG Trademark;

(3) committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Deckers, or sponsored or approved by, or otherwise connected with Deckers;

(4) further infringing Deckers' UGG Trademark and damaging Deckers' goodwill;

(5) otherwise competing unfairly with Deckers in any manner;

(6) shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Deckers, nor authorized by Deckers to be sold or offered for sale, and which bear any Deckers' UGG Trademark or any reproductions, counterfeit copies or colorable imitations thereof;

(7) using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Domain Names or any other domain name that is being used to sell counterfeit UGG products; and

(8) operating and/or hosting websites at the Defendant Domain Names and any other domain names registered or operated by Defendants that are involved with the distribution, advertising, offering for sale, or sale of any product bearing Deckers' UGG Trademark or any reproductions, counterfeit copies or colorable imitations thereof that is not a genuine Deckers' UGG branded product or not authorized by Deckers to be sold in connection with Deckers' UGG Trademark.

The domain name registries for the Defendant Domain Names, namely VeriSign, Inc., Neustar, Inc., Afiliast Limited and the Public Interest Registry, within five (5) business days of receipt of this Order, shall unlock and change the registrar

of record for the Defendant Domain Names to MarkMonitor or a registrar of Deckers' selection until further ordered by this Court, and the domain name registrars shall take any steps necessary to transfer the Defendant Domain Names to MarkMonitor or a registrar of Deckers' selection until further ordered by this Court. Those in privity with Defendants and those with notice of the injunction, including any online marketplace such as iOffer, Internet search engines, web hosts, domain name registrars and domain name registries that are provided with notice of the injunction, shall immediately cease facilitating access to any and all websites and accounts through which Defendants engage in the sale of counterfeit and infringing goods using the UGG Trademark.

Discovery herein by Deckers may continue by providing actual notice, pursuant to subpoena, e-mail or otherwise, of this Order to any of the following:

- (1) Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them;
- (2) any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, PayPal, or other merchant account providers, payment providers, third party payment processors, credit card associations (e.g., MasterCard and VISA), which receive payments or hold assets on Defendants' behalf;
- or

(3) any third party service providers, including without limitation the online B2B selling platforms including iOffer, Internet service providers, backend service providers, web designers, sponsored search engine or ad-word providers, shippers, domain name registrars and domain name registries who have provided services for Defendants.

Any third party providing services in connection with any Defendants, Defendants' websites at the Defendant Domain Names or other websites operated by Defendants, including, without limitation, Internet Service Providers ("ISP"), back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant account providers including PayPal, third party processors and other payment processing service providers, shippers, domain name registrars and domain name registries (collectively referred to as "Third Party Providers") shall, within five (5) business days after receipt of such notice, provide to Deckers copies of all documents and records in such person's or entity's possession or control relating to:

(1) The identities and addresses of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them and the locations and identities of Defendants' operations, including without limitation, identifying information associated with Defendants' Websites, Defendant Domain Names and financial accounts; Defendants' websites;

(2) The Defendant Domain Names or any domain name registered by Defendants; and

(3) Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, PayPal, Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

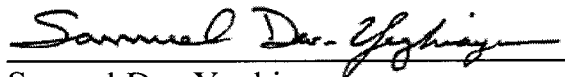
Defendants and any persons in active concert or participation with them shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further order from this Court. Any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, PayPal, for any Defendant or any of Defendants' websites, shall immediately locate all accounts held by or connected with Defendants or Defendants' websites and any such accounts shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further order from this Court.

Deckers may provide notice of these proceedings to Defendants, including notice of the preliminary injunction hearing and service of process pursuant to Fed.

R. Civ. P 4(f)(3), by electronic mail at the e-mail addresses identified in Schedule A to Deckers' Complaint and electronic publication at the Defendant Domain Names which are transferred to Deckers' control; such notice shall be made immediately upon Deckers' receiving notice that the Third Party Providers have fully complied with the requirements of this Order. Schedule A and Exhibits 1 and 2 attached to the Declaration of Justin R. Gaudio shall remain sealed until further ordered by this Court.

Deckers shall deposit with the Court Ten Thousand dollars (\$10,000.00) as security, which amount was determined adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful restraint hereunder.

Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Deckers or on shorter notice as set by this Court. This Temporary Restraining Order without notice is entered at 10:00 a.m. on July 24, 2012 and shall remain in effect for (14) fourteen days at which time Deckers can seek an extension. A status hearing is set for August 7, 2012, at 9:00 a.m.

  
\_\_\_\_\_  
Samuel Der-Yeghiayan  
United States District Court Judge

Dated: July 24, 2012





## Schedule A

Defendant Domain Names		
Domain Name	Defendant / Registrant Name	Registrant Email
brand-clothing.com	Feixiong Wang	10002000qq@163.com
uggbootretail.com	xin mie	1098209109@qq.com
uggsoutletstores12.net	Wang Xiaobin	1206745700@pp.com
outlets-storeuggs12.net	Wang Xiaobin	1206745700@pp.com
outlets-storeuggs12.org	Wang Xiaobin	1206745700@pp.com
uggbootsforcheapau.com	Mark Weng	1243387293@qq.com
onlinestoresmarket.com	chenwenhong	1251781146@qq.com
onlinestores-outlet.com	chenwenhong	1251781146@qq.com
outletonline-stores.com	chenwenhong	1251781146@qq.com
supermarket-stores.com	chenwenhong	1251781146@qq.com
outlet-onlines.com	chenwenhong	1251781146@qq.com
salecheapbootsstore.com	linsan trading	1272555204@qq.com
cheapuggbootsonoutlet.com	zhu fei	13568965522@qq.com
china1wholesale.com	L john	1372976450@qq.com
cheapuggsoutletus.org	cheap uggs	137675539@qq.com
cheapuggsoutletsus.com	cheap uggs	137675539@qq.com
cheapuggsoutletusy.org	cheap uggs	137675539@qq.com
uggsclearanceau.net	Li Yun	1376956878@qq.com
hotshoesbag.com	jinsenianhua gongsi	1430425294@qq.com
socheapsneakers.com	china gongsi	1430425294@qq.com
madecheapsneakers.com	china gongsi	1430425294@qq.com
gocheapsneakers.com	jinsenianhua gongsi	1430425294@qq.com
wholesalepricesneakers.com	jinsenianhua gongsi	1430425294@qq.com
outlet-storeuggs12.info	onlinesell onlinesell	1484959429@qq.com
outlets-storeuggs12.info	onlinesell onlinesell	1484959429@qq.com
uggsoutletstores12.info	onlinesell onlinesell	1484959429@qq.com
southfloridaspeedleague.com	shopsonline shopsonline	1520656065@qq.com
uggclearance-uggclearance.com	Yang Yang	15775321@qq.com
ownbootsok.com	chou dan	1583327205@qq.com
bootsokboots.com	chou dan	1583327205@qq.com
bootsukhere.com	chou dan	1583327205@qq.com
bootsoursboots.com	chou dan	1583327205@qq.com
outlet-clearance.com	Su Fei	1588768788@qq.com
nikeyard.com	weifu lin	1600226392@qq.com
ugg-soldes-france.org	criscilla hepeda	1648272174@qq.com
cheapbootsoverstock.com	Tian Shen	1846720060@qq.com
bootsclearancesalestore.com	Tian Shen	1846720060@qq.com
bootsforcheapstore.com	Tian Shen	1846720060@qq.com

bootsoutletstoreskids.com	Tian Shen	1846720060@qq.com
cheapbootsforwomenstore.com	Tian Shen	1846720060@qq.com
christmasbootsoutlet.com	Tian Shen	1846720060@qq.com
girlsbootsoutletstore.com	Tian Shen	1846720060@qq.com
outletstoreforu.com	Tian Shen	1846720060@qq.com
saleoutletboots.com	Tian Shen	1846720060@qq.com
cheapestsnowbootsuk.com	Tian Shen	1846720060@qq.com
outletstorecheap.com	Tian Shen	1846720060@qq.com
saleoutletbootsstore.com	Tian Shen	1846720060@qq.com
cheapbootsstoresale.com	Tian Shen	1846720060@qq.com
bestbootsoutletstore.com	Tian Shen	1846720060@qq.com
clearancebootsstore.com	Tian Shen	1846720060@qq.com
outletbootsonsale.com	Tian Shen	1846720060@qq.com
cheapbootsclearance2012.com	Tian Shen	1846720060@qq.com
girlsbootsstore.com	Tian Shen	1846720060@qq.com
storebootsclearance.com	Tian Shen	1846720060@qq.com
wholesalebootsstore.net	Tian Shen	1846720060@qq.com
bestbootforus.com	Tian Shen	1846720060@qq.com
bootsstoreoutlet.com	Tian Shen	1846720060@qq.com
outletbootsclearance.com	Tian Shen	1846720060@qq.com
2011bootsoutletstore.com	Tian Shen	1846720060@qq.com
bootsforchristmasstore.com	Tian Shen	1846720060@qq.com
bestbootsforus.com	Tian Shen	1846720060@qq.com
bestbootsforus.net	Tian Shen	1846720060@qq.com
outletstoreboots.com	Tian Shen	1846720060@qq.com
wholesalebootsstore.com	Tian Shen	1846720060@qq.com
topbootsonclearance.com	Tian Shen	1846720060@qq.com
storebootscheap.com	Tian Shen	1846720060@qq.com
sparkly-ugg-boots.com	linghangxinhai	1943134228@qq.com
	Fuzhou Kangdaxiemao Co.,	
uggboots-sale.net	Ltd.	1963825650@qq.com
ugg-sale.org	Fuzhou kangdaxiemao Co., Ltd	1963825650@qq.com
		1dc6aed69c5e4c3fbae01c62406af243.pro
bootuggsale.net	WhoisGuard	tect@whoisguard.com
searchkicks.com	wei qing shang	200016116@qq.com
uggsoutlets.net	chenweiyuan	21813142@qq.com
uggs.us.com	chen xiaod	23126188@qq.com
uggs-outletclearance.org	Wang Meimei	23196686@qq.com
		237d0c4cd47e4dcf927ae3b10ee575e3.pr
uggboots5815outlet.com	WhoisGuard	protect@whoisguard.com

getuggboots.com	hongenen	2677942315@qq.com
uggaustraliade.org	linfeng	277282802@qq.com
	DOMAIN WHOIS PROTECTION	290615769312@whoisprivacyprotections
commbay.com	SERVICE	ervices.com
cheapuggsoutletsus.org	cheap uggs	314167127@qq.com
cheapuggsoutletusc.com	cheap uggs	314167127@qq.com
cheapuggsoutletusp.org	cheap uggs	314167127@qq.com
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uggbootssuppliers.com	WhoisGuard	otect@whoisguard.com
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xmasbootsoutletstore.com	Cai LiMing	lidd@dingdian.cn
xmascheapbootsoutlet.com	Cai LiMing	lidd@dingdian.cn
outletsaleboots.com	CaiLiMing	lidd@dingdian.cn
bootsoutletforclearance.com	CaiLiMing	lidd@dingdian.cn
fashionbootsstore.com	CaiLiMing	lidd@dingdian.cn
kidsbootsoutletstore.com	CaiLiMing	lidd@dingdian.cn
xmsbootscheap.com	Cai LiMing	lidd@dingdian.cn
bootsoutletforsale.com	CaiLiMing	lidd@dingdian.cn
cheapbootforfamily.com	CaiLiMing	lidd@dingdian.cn
outletstoresclearance.com	CaiLiMing	lidd@dingdian.cn
bootsoutletforyou.com	CaiLiMing	lidd@dingdian.cn
outletcheapboots.com	CaiLiMing	lidd@dingdian.cn
bootsoutletsalecheap.com	CaiLiMing	lidd@dingdian.cn
cheapbootsforus.com	CaiLiMing	lidd@dingdian.cn
cheapbootsoutletuk.com	CaiLiMing	lidd@dingdian.cn
womensbootsoutletstore.com	CaiLiMing	lidd@dingdian.cn
bootsoutletonsales.com	CaiLiMing	lidd@dingdian.cn
storebootsoutlet.com	CaiLiMing	lidd@dingdian.cn
xmasbootsgiftsstore.com	CaiLiMing	lidd@dingdian.cn
thepopshoes.com	Zhang hui	leo860816@hotmail.com
mall0086.com	han yong guang	leo-han@163.com
cheapuggboots-z.com	Steven Metcalfe	leonardhofstadterx@gmail.com
cheapbootssale-uk.com	wuhan easynet co	leonardhofstadterx@gmail.com
cheapuggbootssaleukshopx.com	Maurice Adams	leonardhofstadterx@gmail.com
cheapuggbootssaleuk-x.com	leonard hofstadter	leonardhofstadterx@gmail.com
gochinashop.com	xueye	liangkairong@163.com
womensboots-store.com	jingtao Net Company	lin198606@126.com
snowclearanceboots.com	ma yan	lin198606@126.com
ug-bootsclearance.com	lu yang	lin198606@126.com
au-bootsclearance.com	chen shuier	lin198606@126.com
womenwintersboot.com	xingye Net Company	lin198606@126.com
snowbootonsale.net	huang qiankun	lin198606@126.com
2012boot.net	shengyun net Company	lin198606@126.com
netsnowbootsclearance.net	liu shuanglin	lin198606@126.com
winterwarmboots.net	Lu Yang	lin198606@126.com
2012bootsclearance.net	baiqiang net company	lin198606@126.com



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australiabooststore.com	Zhang san	linxingui126@126.com
monclerjacketsoldes.com	Zhang san	linxingui126@126.com
tiffanysaleshop.com	Zhang san	linxingui126@126.com
uggwinterbootsonline.com	Zhang san	linxingui126@126.com
qdtopfashion.com	Zhao Yingli	lisa_astosolar@hotmail.com
sellerbrand.net	liumingming	liumingming003@163.com
wtotrading.com	liumingming	liumingming003@163.com
bestretailmarket.com	liumingming	liumingming003@163.com
amoyin.com	liumingming	liumingming003@163.com
winterboots-store.com	liumingming	liumingming003@163.com
xn--uggespaa-j3a.net	linxiaohui	liuxiaojuann@hotmail.com
2011snowbootscheap.com	sa la mei	ljhai2010@hotmail.com
cheap2012boot.com	chao soft	ljhai2010@hotmail.com
buynewuggbootsonline.net	adf erewqr	ljhai2010@hotmail.com
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winterbooscheap.com	ruiyuan2 ruiyuan2	ljhai894@hotmail.com
uggsonsales.us	lenve	ll431@vip.qq.com
myugguggs.com	yang hucheng	longweddingman@163.com
uggsoutlet-online.us	Louis R. Bell	louisrfgythbell@teleworm.us
uggfakesboots.com	wenben zhou	lualuorg26@yahoo.com
kidsfactory.us	rongyi	lucy.jack458@163.com
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wholesalewholesale.us	Caky Guo	madeinputian@hotmail.com
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uggbootschuhe.com	spiderc9 spiderc9	marlow.service@live.com
uggbaileybuttonde.com	spiderc9 spiderc9	marlow.service@live.com
goodsellshop.com	Mary Uchitel	maryloveit@gmail.com
canadauggssale.com	mcmu leng	mcmuleng@hotmail.com
outlet-amazon.com	lu wei	meiam@qq.com
wholesale4life.net	Karl Chen	meng2008@qq.com
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sneakers4s.com		
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facebookmallonline.com	sheal jean	mydiscountbag@hotmail.com
gohometrade.com	weng xing	mydiscountbag@hotmail.com
linkinthebox.com	JIAN SHE	mydiscountbag@hotmail.com
linkfashiontrade.net	weng xing	mydiscountbag@hotmail.com
linkbrandfashion.net	zhang san	mydiscountbag@hotmail.com
linkbrandfashion1.net	zhang san	mydiscountbag@hotmail.com
linkbrandfasion1.net	zhang san	mydiscountbag@hotmail.com
linkbrandunion1.net	zhang san	mydiscountbag@hotmail.com
chinatradeunion.net	JIAN SHE	mydiscountbag@hotmail.com
best5a.com	ke wenzuo	mydiscountbag@hotmail.com
great5a.com	ke wenzuo	mydiscountbag@hotmail.com
luckinbox.net	zhang san	mydiscountbag@hotmail.com
cheap-uggboots-ie.com	13285097605	myselfshoes@hotmail.com
uggclearance-store.com	13285097605	myselfshoes@hotmail.com
uggclearance-ugg.com	13285097605	myselfshoes@hotmail.com
bootsuggoutlet.net	13285097605	myselfshoes@hotmail.com
uggbootsstore-ie.net	13285097605	myselfshoes@hotmail.com
bootsbestclearance.net	13285097605	myselfshoes@hotmail.com
bootsuggclearance.net	13285097605	myselfshoes@hotmail.com
bootsuggfrance.net	13285097605	myselfshoes@hotmail.com
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uggsoutletstores.org	Clive Mathieson	online2012@hotmail.com
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bootsonlineuk.net	demon	ownerbsd@yahoo.com
bootsuggsaleuk.net	bp	pandora666@mail.com
surpriseboots.com	paym entok	paymentok@yeah.net
uggaustraliacanadas.com	Cindy Mickey	pettygultahem@yahoo.com
discountbootsusa.net	zhou guojun	pgm-1@hotmail.com
ebay123trade.com	fang fang	pt123@126.com
vipb2btrade.com	fang fang	pt123@126.com
aaanikeshop.com	fang fang	pt123@126.com
shopmyshoes.com	fang fang	pt123@126.com
aaanikeshoes.com	fang fang	pt123@126.com
googletradeb2b.com	fang fang	pt123@126.com
aaashoesstore.com	fang fang	pt123@126.com
andwaymore.com	fang fang	pt123@126.com
bagoutletcn.com	fang fang	pt123@126.com
topaaatrade.com	mao yi	pt123@126.com
ivfashion.com	fang fang	pt123@126.com
needshoe.com	fang fang	pt123@126.com
nikehot.com	nike hot	pt123@126.com
begintrade.net		
	ye dehua	pt123@126.com
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goodswholesaler.net	lin xiangsheng	ptxylyx@163.com
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uggbaileybuttontripletsaler.com	Fundacion Private Whois	255f64.privatewhois.net
topwholesaleexport.com	wen wen	qianshi001@hotmail.com
parityinlife.com	parityinlife.com	qt@qtcn.net
knoyashop.com	knoyashop.com	qt@qtcn.net
elegantsale.com	yetingting	qt@qtcn.net
viptrade123.com	viptrade123.com	qt@qtcn.net
cheapsneakermall.com	wuxudong	qt@qtcn.net
trustfuldeal.com	trustfuldeal.com	qt@qtcn.net
tenglang-trade.com	tenglang-trade.com	qt@qtcn.net
knoyastore.com	knoyastore.com	qt@qtcn.net

moncofinland.com	moncofinland.com	qt@qtcn.net
footwearmarkets.com		
	footwearmarkets.com	qt@qtcn.net
wholesale-boot.com	wholesale-boot.com	qt@qtcn.net
bootugg-sale.net	sun xilian	Rae90@live.cn
uggclassictall.cc	rao tianfeng	raotfcool@163.com
handbags-canada.net	Whoisprotection.cc	reg_1118771@whoisprotection.cc
happysoppingstore.com	Whoisprotection.cc	reg_1125617@whoisprotection.cc
ourbestgoods.com	Whoisprotection.cc	reg_1145448@whoisprotection.cc
buyfashionapparel.com	Whoisprotection.cc	reg_1145456@whoisprotection.cc
simleonline shopping.com	Whoisprotection.cc	reg_1145481@whoisprotection.cc
topfashiondistributor.com	Whoisprotection.cc	reg_1145492@whoisprotection.cc
lovetradeonline.com	Whoisprotection.cc	reg_1145557@whoisprotection.cc
uggsoutletonline1.org	Robbie Stewert	robbiestewart@hotmail.com
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dotheshopping.com	CaiLiMing	rqb@dingdian.cn
uggonlinesale2u.com	gabriella chung	rubycheng@yeah.net
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uggsoutletus1.org	Wenming Chen	seattletrade@163.com
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uggfactoryoutlet.us	Wenming Chen	seattletrade@163.com
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uggbootssalediscount.com	tanmeet sethi	seewhatsee@163.com

uggsus.us	zhixing guo	server@nike-outlet-store-online.com
uggsca.us	zhixing guo	server@nike-outlet-store-online.com
uggsco.us	zhixing guo	server@nike-outlet-store-online.com
uggsau.us	zhixing guo	server@noomall.com
maxsnowboots.com	Scott Ben	service@borar.com
guccigonow.net	feng xiaoxiao	service@guccigonow.net
jpuggcart.com	Gomg Ming	service@jpuggcart.com
nextuggfits.com	Sock Liang	service@nextuggfits.com
nextuggin.com	Gotan Liang	service@nextuggin.com
nextuggjp.com	gae Liang	service@nextuggjp.com
nextugglive.com	nAME sew	service@nextugglive.com
nextuggmall.com	Kavan Liang	Service@nextuggmall.com
nextuggmore.com	bETTY YUE	service@nextuggmore.com
nextuggon.com	Mok Fox	Service@nextuggon.com
nextuggs.info	Dan Fong	service@nextuggs.info
jpnnextugg.com	Bill Hu	serveuce@jpnexugg.com
shoesheepskin.com	SUSAN MAZZARA	shoeok@gmail.com
deckershoe.com	SUSAN MAZZARA	shoeok@gmail.com
	Protected Domain Services -	shoesales-
shoesales-au.com	Customer ID: NCR-3618836	au.com@protecteddomainservices.com
euggboots.net	tian hui	silkenboots@gmail.com
uggsstore.org	simon chen	simomchen@hotmail.com
botaugg.com	Clement Mervin	smithwqscherrer@yahoo.com
soldesuggbottes.com	Amy Smith	soldesuggbottes@hotmail.com
		SONNESHINE.COM@domainsbyproxy.co
sonneshine.com	Domains By Proxy, LLC	m
bestmartever.info	starsun zh	starsun1018@yahoo.com
uggaustraliadiscount.org	laurie germain	subi8587@hotmail.com
uggsboots2.com	Hebah Alawadh	susihirsch10@hotmail.com
wholesalesmalls.com	yi sheng	tadyjack@hotmail.com
bootsfather.com	zheng guoqiang	taityue@163.com
uggbootsellonline.com	tcreate reg	tcreate911@gmail.com
cozyuggboots.net	tcreate reg	tcreate911@gmail.com
thanshoes.net	guo rong	thanshoes@yahoo.com
cheapuggsdiscout.net	wang xing ping	theghdaustraliastraightener@gmail.com

wholesaleroutletshop.com	haoyundao	tmtctrade2010@hotmail.com
canadabootssale.com	dafjadhfk	topservice.lin@hotmail.com
ugg-2010.com	tainew go	tw_2003@yahoo.cn
uggbootsschweizoutlet.com	Benz Carl	uespack@live.com
abcofskiing.com	abcofskiing	uewfn@yahoo.com.cn
violaglobaltrade.com	fang tao ping	uewfn@yahoo.com.cn
batchmall.com	fang tao ping	uewfn@yahoo.com.cn
nike-jordan.net	fang tao ping	uewfn@yahoo.com.cn
popularseller.com	fang tao ping	uewfn@yahoo.com.cn
fashion58brand.net	fang tao ping	uewfn@yahoo.com.cn
brandwatchhut.com	fang tao ping	uewfn@yahoo.com.cn
brandschoenen.com	fang tao ping	uewfn@yahoo.com.cn
		UGGCANADASALE.COM@domainsbyprox
uggcanadasale.com	Domains By Proxy, LLC	y.com
		UGGS-SNOW-
uggs-snow-boots.org	Domains By Proxy, LLC	BOOTS.ORG@domainsbyproxy.com
uggsince1974.com	KF&S	ursulapalmer@gmail.com
ugg-ireland.org	tians s	userservices@hotmail.com
cheapbootsuk.org	peng qide	vbg@126.com
biz620.com	litao	vincent_620@yahoo.cn
uggirelandshop.com	Shaowu wu	w234234df232fwe2@yahoo.com
theuggtrade.com	lixianshen	wangwlc99@163.com
uggbootsoffice.com	uggboot soffice	wearwrea@yeah.net
goonike.com	wu guotian	webmaster@eguo888.com
uggbootsinaustralia.org	lin hui	webmaster@oot.cn
cheapboots-ca.com	bimeng	webmaster@zgsj.com
bootsretailonline.com	dingdan ni	webmaster@zgsj.com
bootsstoreengland.com	boyu na	webmaster@zgsj.com
		wgpc9754faab03907d91@t02cduv4f7f99
uggboots4au.com	Fundacion Private Whois	a255f64.privatewhois.net
		WINTER-
		BOOTSOUTLET.COM@domainsbyproxy.c
winter-bootsoutlet.com	Domains By Proxy, LLC	om
		WINTERDISCOUNTBOOTS.COM@domain
winterdiscountboots.com	Domains By Proxy, LLC	sbyproxy.com
postboots.com	withou tshoes	withoutshoes@yeah.net
bootscheapforchristmas.com	xingcai trade Co.,ltd.	wlovewei@gmail.com

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uggkity.info	wpl	wpl8808@163.com
cheapuggsoutletu.com	cheap uggs	xrh31323@163.com
cheapuggsoutletusg.org	cheap uggs	xrh31323@163.com
cheapuggsoutletusx.org	cheap uggs	xrh31323@163.com
cheapuggsoutletes.com	cheap uggs	xrh31323@gmail.com
cheapuggsoutletg.org	cheap uggs	xrh31323@gmail.com
cheapuggsoutletusa.com	cheap uggs	xrh31323@gmail.com
cheapuggsoutletusz.org	cheap uggs	xrh31323@gmail.com
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shoessaleshops.com	jonise shanks	y123ourfreshreserve@gmail.com
5buy-ugg.com	qing qing	yanuolv@yahoo.com.tw
uggaustraliasboots.com	Wu Xiaodong	yayuyao@yahoo.com
uggaustraliasboots.net	Wu Xiaodong	yayuyao@yahoo.com
21cnreplicas.com	21cnreplicas	yeuss@qq.com
crossmeet1.com	dai ming xin	yeuss@qq.com
brands2012.com	Supply shoes	yeuss@qq.com
missreplicas.com	Supply shoes	yeuss@qq.com
morethancheap.com	Supply shoes	yeuss@qq.com
multibrandsale.com	Supply shoes	yeuss@qq.com
easytoshopmall.com	Supply shoes	yeuss@qq.com
bottes-pas-cher.net	wang wangwang	yezhaqiong@163.com
bottespaschervente.com	yang yan	yixing@126.com
botteslessoldes.com	li yixing	yixing@126.com
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billigestovler.com	wuyunping	yunping@sina.com.cn
topshoesoutletonline.com	wu yunping	yunping@sina.com.cn
shoesukoutlet.com	wu yunping	yunping@sina.com.cn
cowintrade.com	yangweihua	ywh780210@163.com
2010cozyboots.com	chen lin	zyzyzyz@hotmail.com
weddingdresses-onsale.com	Huahua Wu	zfqs2011@hotmail.com
ugg5815bootsclearance.com	yang dann	zhongtian123@126.com
sale-canada-uggboots.com	zhou wen	zhou2544740775@gmail.com
ugg-ya.com	zhou.yuan	zhouyuan@163.com
cheapboots5.com	fuke max	zval@vip.qq.com
cheapboots9.com	fuke max	zval@vip.qq.com
boots5.com	fuke max	zval@vip.qq.com

### Marketplace Accounts

Defendant / Registrant	
Name	Email Address
gonxifacai	gonxifacai@yahoo.com
houdaozuoren516	perfectmen6699@gmail.com
hunan20188	xianghu2012@hotmail.com
	weishenmozheyan7@hotmail.co
nulijiuyoushouhuo98	m
chun Yao116	zhaolian718@163.com
guccii158	meiyifan602@163.com
livlijun56	twosley@hotmail.com
scarvesworld	sys120709@hotmail.com
especially888	niannianfa88808@yahoo.cn
hotnew328	hotnew328@hotmail.com
congmingtiankaishi	ladm85@yahoo.com.cn
jkjk99	pk654vip@163.com
wd2002shop	shiquan26632@hotmail.com
lion8899	haohao706@yahoo.com.cn
mingmingshop518	mingchangwei918@hotmail.com
zhaocaimao8618	zhubao2588@hotmail.com
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qingren222	zhaozhenchang8@163.com

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

COACH, INC. and COACH SERVICES, INC.	)	
	)	
Plaintiffs,	)	Case No. 1:12-cv-8963
	)	<b>Judge Elaine E. Bucklo</b>
v.	)	<b>Magistrate Judge Michael T. Mason</b>
	)	
LIN FENG, et al.,	)	
	)	
Defendants.	)	
	)	
_____	)	

**ORDER**

THIS CAUSE being before the Court on Plaintiffs Coach, Inc. and Coach Services, Inc.’s (collectively, “Plaintiffs” or “Coach”) Motion for Entry of a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiffs’ Motion for Entry of a Preliminary Injunction in its entirety against the Defendants listed in Schedule A to Coach’s Amended Complaint (collectively, the “Defendants”) and orders that:

1. Defendants, their officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be preliminarily enjoined and restrained from:
  - a. using Coach’s COACH Trademarks or any reproduction, counterfeit copy or colorable imitation thereof in any manner in connection with the distribution, advertising, offering for sale, or sale of any product that is not a genuine Coach product or not authorized by Coach to be sold in connection with Coach’s COACH Trademarks;



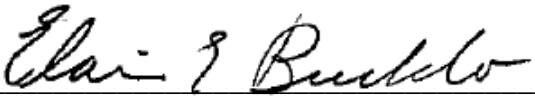
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Coach product or any other product produced by Coach, that is not Coach's or not produced under the authorization, control or supervision of Coach and approved by Coach for sale under Coach's COACH Trademarks;
- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Coach, or are sponsored or approved by, or connected with Coach;
- d. further infringing Coach's COACH Trademarks and damaging Coach's goodwill;
- e. otherwise competing unfairly with Coach in any manner;
- f. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Coach, nor authorized by Coach to be sold or offered for sale, and which bear any of Coach's COACH Trademarks or any reproduction, counterfeit copy or colorable imitation thereof;
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Domain Names or any other domain name that is being used to sell counterfeit Coach products; and
- h. operating and/or hosting websites at the Defendant Domain Names and any other domain names registered or operated by Defendants that are involved with the distribution, advertising, offering for sale, or sale of any products which bear any of Coach's COACH Trademarks or any reproduction, counterfeit copy or colorable imitation thereof.

2. The domain name registries for the Defendant Domain Names, namely VeriSign, Inc., Neustar, Inc., Afiliast Limited and the Public Interest Registry, within five (5) business days of receipt of this Order, shall unlock and change the registrar of record for the Defendant Domain Names to MarkMonitor or a registrar of Coach's selection until further ordered by this Court, and that the domain name registrars shall take any steps necessary to transfer the Defendant Domain Names to MarkMonitor or a registrar of Coach's selection until further ordered by this Court.
3. Those in privity with Defendants and those with notice of the injunction of paragraph 1 hereto, including any online marketplace such as iOffer, Internet search engines, web hosts, domain name registrars and domain name registries that are provided with notice of the injunction, shall cease facilitating access to any and all websites and accounts through which Defendants engage in the sale of counterfeit and infringing goods using the COACH Trademarks.
4. Discovery herein by Coach may continue by providing actual notice, pursuant to subpoena, e-mail or otherwise, of this Order to any of the following:
  - a. Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them;
  - b. any banks, savings and loan associations, payment processors or other financial institutions including, without limitation, PayPal or other merchant account providers, payment providers, third party processors, credit card associations (e.g., MasterCard and VISA), which receive payments or hold assets on Defendants' behalf; or

- c. any third party service providers including, without limitation, online B2B selling platforms, including iOffer, Internet service providers, back-end service providers, web designers, sponsored search engine or ad-word providers, shippers, domain name registrars and domain name registries who have provided services for Defendants.
- 5. Any third party providing services for any of the Defendants, or in connection with any of Defendants' websites at the Defendant Domain Names or other websites operated by Defendants, including, without limitation, Internet Service Providers ("ISPs"), back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant account providers including PayPal, third party processors and other payment processing services, shippers, domain name registrars and domain name registries (collectively, "Third Party Providers") shall, within five (5) business days after receipt of such notice, provide to Coach copies of all documents and records in such person's or entity's possession or control relating to:
  - a. The identities and addresses of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them and the locations and identities of Defendants' operations, including, without limitation, identifying information associated with Defendants' Websites, the Defendant Domain Names and financial accounts;
  - b. Defendants' websites;
  - c. The Defendant Domain Names or any domain name registered by Defendants; and

- d. Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions including, without limitation, PayPal, Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
6. Defendants and any persons in active concert or participation with them shall be temporarily and preliminarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
7. Any banks, savings and loan associations, payment processors or other financial institutions including, without limitation, PayPal, for any Defendant or any of Defendants' websites, shall immediately locate all accounts connected to Defendants or Defendants' websites, and such accounts shall be temporarily and preliminarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
8. Schedule A and Exhibits 2 and 3 attached to the Declaration of Ethan Lau are unsealed.
9. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Coach or on shorter notice as set by this Court.
10. The \$10,000 bond posted by Coach shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

DATED November 29, 2012



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U.S. District Court Judge Elaine E. Bucklo



offering for sale, and/or selling goods bearing counterfeit reproductions of Plaintiffs' federally registered trademarks, trade names, and/or logos as set forth in Plaintiffs' Complaint in this action (collectively "Plaintiffs' Marks"), which are owned and controlled by Plaintiffs, and the Court, having reviewed the Complaint, Memorandum of Law, supporting Declarations and exhibits submitted therewith, finds:

1. Plaintiffs are likely to succeed in showing that Defendants have used and are continuing to use counterfeits or infringements of Plaintiffs' Marks in connection with the manufacture, exportation, importation, distribution, marketing, advertising, offer for sale and/or sale of products, including but not limited to handbags, wallets, watches, shoes, belts, cosmetic pouches, and sunglasses (collectively, the "Counterfeit Products");

2. The manufacturing, importing, exporting, distributing, marketing, advertising, offering for sale and/or selling of the Counterfeit Products will result in immediate and irreparable injury to Plaintiffs if the relief requested is not ordered;

3. Defendants, or other persons acting in concert with Defendants, would likely destroy, move, hide or otherwise make assets, Counterfeit Products and business records relating thereto inaccessible to the Court if Plaintiffs proceeded on notice to Defendants, thus frustrating the ultimate relief that Plaintiffs seek in this action;

4. The harm to Plaintiffs from denial of the requested ex parte order outweighs the harm to Defendants' legitimate interests against granting such an order;

5. Entry of an order other than an ex parte seizure order would not adequately achieve the purposes of the Lanham Act to preserve Plaintiffs' remedies for trademark counterfeiting, including, *inter alia*, cessation of all sales of the Counterfeit Products, the acquisition of the business records relating to the Counterfeit Products, and an award to Plaintiffs of lost profits or damages.

THEREFORE, IT IS HEREBY ORDERED that Defendants, including Curveal Fashion d/b/a Replicasi.com and Semelur.com, Joseph Lee a/k/a Joe Yap, appear to show cause on the 21st day of October, 2009 at 11:00 a.m. or as soon thereafter as counsel can be heard, in Courtroom 21C of the United States District Court for the Southern District of New York at 500 Pearl Street, New York, New York why an Order pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure and Section 34 of the Lanham Act should not be entered granting Plaintiff a preliminary injunction as follows:

1. Restraining and enjoining Defendants, their officers, directors, agents, representatives, successors or assigns, and all persons acting in concert or in participation with any of them from:

- (a) manufacturing, distributing, delivering, shipping, importing, exporting, advertising, marketing, promoting, selling or otherwise offering for sale Counterfeit Products or any other products produced by Plaintiff or confusingly similar to Plaintiffs' Products, or that otherwise bear, contain, display or utilize any of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks;
- (b) making or employing any other commercial use of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks;
- (c) using any other false designation of origin or false description or representation or any other thing calculated or likely to cause confusion or mistake in the mind of the trade or public or to deceive the trade or public into believing that Defendants' products or



- activities are in any way sponsored, licensed or authorized by or affiliated or connected with Plaintiffs; and
- (d) doing any other acts or things calculated or likely to cause confusion or mistake in the mind of the public or to lead purchasers or consumers or investors into the belief that the products or services promoted, offered or sponsored by Defendants come from Plaintiffs or their licensees, or are somehow licensed, sponsored, endorsed, or authorized by, or otherwise affiliated or connected with Plaintiffs; and
- (e) further diluting and infringing all Plaintiffs' Marks and damaging Plaintiffs' goodwill; and
- (f) otherwise competing unfairly with Plaintiffs or any of their authorized licensees in any manner; and
- (g) transferring, disposing of, or secreting any money, stocks, bonds, real or personal property, or other assets of Defendants or otherwise paying or transferring any money, stocks, bonds, real or personal property, or other assets to any of the Defendants, or into or out of any accounts associated with or utilized by any of the Defendants, as set forth further herein; and
- (h) assisting, aiding, or abetting any other person or business entity in engaging in or performing any of the activities referred to in the above subparagraphs (a) through (g), or effecting any assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs (a) through (g);

IT APPEARING to the Court that Defendants are manufacturing, exporting, importing, distributing, marketing, advertising, offering for sale, and/or selling the Counterfeit Products, and will continue to carry out such acts unless restrained by Order of the Court:

IT IS FURTHER ORDERED, that pending the hearing on Plaintiffs' application for a preliminary injunction, Defendants, including Curveal Fashion doing business as Replicasi.com and Semelur.com, Joseph Lee also known as Joe Yap, and all persons acting in concert or in participation with any of them and having knowledge of this Order by personal service or otherwise be, and they are, hereby temporarily restrained from:

- (a) committing any of the acts set forth in subparagraph (l)(a)-(g) above; and
- (b) moving, returning, or otherwise disposing of, in any manner, any Counterfeit Products or any other products confusingly similar to Plaintiffs' Products, or that otherwise bear, contain, display, or utilize any of Plaintiffs' Marks, any derivation or colorable imitation thereof, or any mark confusingly similar thereto or likely to dilute or detract from the Plaintiffs' Marks; and
- (c) secreting, destroying, altering, removing, or otherwise dealing with the unauthorized products or any books or records which contain any information relating to the importing, manufacturing, producing, distributing, circulating, selling, marketing, offering for sale, advertising, promoting, renting, or displaying of all unauthorized products which infringe Plaintiffs' Trademarks

IT IS FURTHER ORDERED, that the Temporary Restraining Order shall remain in effect until the date for hearing on the Order to Show Cause set forth above, or such further dates as set by the Court; and

IT IS FURTHER ORDERED, that in accordance with Rule 64 of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116(a), and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, Defendants and their officers, directors, agents, representatives, successors or assigns, and all persons acting in concert or in participation with any of them, and any banks, savings and loan associations, credit card companies, credit card processing agencies, financial institutions, or other companies or agencies that engage in the processing or transfer of money and/or real or personal property, who receive actual notice of this order by personal service or otherwise, are, without prior approval of the Court, temporarily restrained and enjoined from transferring, disposing of, or secreting any money, stocks, bonds, real or personal property, or other assets of Defendants or otherwise paying or transferring any money, stocks, bonds, real or personal property, or other assets to any of the Defendants, or into or out of: (i) any and all Royal Bank of Scotland Worldpay ("RBS Worldpay") accounts that are held or controlled by www.Replicasi.com, www.Semelur.com, and/or any of the Defendants, including but not limited to any accounts in the name of "WPPL-CURVEAL FASHION"; and (ii) any and all MasterCard, Visa, Visa Purchasing, Visa Electron, American Express, JCB, Solo, Maestro and/or Discover credit or debit card payment accounts that are held or controlled by www.Replicasi.com, www.Semelur.com, and/or any of the Defendants.

IT IS FURTHER ORDERED, that upon two (2) days written notice to the Court and Plaintiffs' counsel, any Defendant or restrained third party may appear and move for the dissolution or modification of the provisions of this Order concerning the restriction upon transfer of Defendants' assets upon an appropriate evidentiary showing; and

IT IS FURTHER ORDERED, that in accordance with Rule 64 of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116(a), Defendants and their officers, directors, agents,

representatives, successors or assigns, and all persons acting in concert or in participation with any of them, and any websites, online search engines, online shopping price comparison services, or any other business or publication that advertises Defendants' websites www.Replicasi.com and/or www.Semelur.com, who receive actual notice of this order by personal service or otherwise, are, without prior approval of the Court, temporarily restrained and enjoined from advertising, promoting, or marketing Defendants' Counterfeit Products or Defendants' websites www.Replicasi.com and www.Semelur.com.

IT IS FURTHER ORDERED, that in accordance with Rule 64 of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116(a), Defendants and their officers, directors, agents, representatives, successors or assigns, and all persons acting in concert or in participation with any of them, and any website hosts, domain name owners, internet protocol supporter, or any other business supporting or hosting Defendants' websites www.Replicasi.com and/or www.Semelur.com, who receive actual notice of this order by personal service or otherwise, are, without prior approval of the Court, temporarily restrained and enjoined from supporting or hosting Defendants' websites www.ReplicaSi.com and www.Semelur.com. This includes but is not limited to: (i) any and all accounts maintained by NameSecure.com a/k/a NamePrivacy that are associated with or utilized by www.Replicasi.com, www.Semelur.com, and/or any of the Defendants.

IT IS FURTHER ORDERED, that Plaintiffs shall post a corporate surety bond, cash or a certified or attorney's check in the amount of ten thousand dollars (\$10,000) as security, determined adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful restraint hereunder; and

IT IS FURTHER ORDERED, that sufficient cause having been shown, service of this Order together with the Summons and Complaint, shall be made on Defendants and deemed effective as to all named Defendants if it is completed by the following means:

(a) by certified express registered mail (international or through the United States Postal Service, as appropriate), return receipt requested to each of the following addresses: (i) Joseph Lee a/k/a Joe Yap at 202 & 302, Block A Damansara Intan, Kuala Lumpur, WP, Malaysia; (ii) Curveal Fashion, 302 Block A, Damansara Intan, Jalan SS 20/27, Petaling Jaya 47400, Malaysia; (iii) Replicasi Inc., ATTN: REPLICASI.COM, P.O. Box 430 c/o NameSecure, Herndon, VA, 20171-430; and (iv) Semelur Dot Com, ATTN: SEMELUR.COM, P.O. Box 430 c/o NameSecure, Herndon, VA, 20171-430;

(b) by delivery of Adobe PDF copies of this Order together with the Summons and Complaint to the following e-mail addresses: customerService@replicaSi.com, customerService@Semelur.com, h7o2sx@nameprivacy.com, and afoqo5w52@nameprivacy.com.

IT IS FURTHER ORDERED, that such service shall be made by October 13, 2009, except as to John Doe or ABC Company defendants who may be later identified, or at such time as may be extended by this Court; and

IT IS FURTHER ORDERED, that Defendants' answering papers, if any, shall be filed with the Clerk of this Court and served upon the attorneys for Plaintiffs by delivering copies thereof to the offices of Gibson, Dunn & Crutcher LLP, 200 Park Avenue, 47th Floor, New York, NY 10166-0193, Attention: Robert Weigel, Esq., by no later than October 17, 2009 with any reply by Plaintiffs to be filed and served by October 19, 2009; and

IT IS FURTHER ORDERED that Plaintiffs' motion for expedited discovery is granted; that Plaintiffs shall serve with this order requests for disclosures pursuant to Fed. R. Civ. P. 26

and 34 in the form appended hereto as Attachment A, and that Defendants shall produce documents responsive to such requests on or before the 20th day of October, 2009; and

IT IS FURTHER ORDERED, that Defendants are hereby given notice that failure to attend the hearing scheduled herein may result in confirmation of the relief provided herein, immediate issuance of the requested preliminary injunction to take effect immediately upon expiration or dissolution of the temporary restraining order, and may otherwise extend for the pendency of this litigation upon the same terms and conditions as comprise this temporary restraining order. Defendants are hereby given further notice that they may be deemed to have actual notice of the issuance and terms of such preliminary injunction and any act by them or anyone of them in violation of any of the terms thereof may be considered and prosecuted as contempt of this Court.

IT IS SO ORDERED.

DATED this 7th day of October, 2009

Hour: 10:40 a.m./p.m. (10)

UNITED STATES DISTRICT COURT

By:   
UNITED STATES DISTRICT JUDGE

**ATTACHMENT A**

Robert L. Weigel (RW 0163)  
Howard S. Hogan (HH 7995)  
Jennifer C. Halter (JH 7032)  
GIBSON, DUNN & CRUTCHER, LLP  
200 Park Avenue  
New York, New York 10166  
(212) 351-4000

*Attorneys for Plaintiffs Gucci America, Inc.,  
Balenciaga S.A. and Balenciaga America, Inc.*

-----X  
GUCCI AMERICA, INC., BALENCIAGA, S.A. and :  
BALENCIAGA AMERICA, INC., :

**Plaintiffs,**

**-against-**

**CURVEAL FASHION d/b/a REPLICASI.COM and SEMELUR.COM; JOSEPH LEE a/k/a JOE YAP; ABC COMPANIES; and JOHN DOES.**

## Defendants.

09 Civ. 8458 (RJS)

## PLAINTIFFS' FIRST REQUEST TO DEFENDANTS FOR DISCOVERY AND INSPECTION OF DOCUMENTS

PLEASE TAKE NOTICE that pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rules 26.1 to 26.3 of the Local Civil Rules of the United States District Court for the Southern District of New York, Plaintiffs Gucci America, Inc., Balenciaga, S.A. and Balenciaga America, Inc. (collectively, “Plaintiffs”) by their undersigned attorneys, Gibson, Dunn & Crutcher, LLP, hereby request that Defendants Curveal Fashion d/b/a Replicasi.com and Semelur.com, Joseph Lee a/k/a Joe Yap, ABC Companies and John Does produce the following documents and things for inspection and copying at the offices of Gibson, Dunn & Crutcher



LLP, 200 Park Avenue, 47th Floor, New York, New York 10166, within the shorter of: (a) thirty (30) days or (b) any time frame or deadline that may be set by the Court in connection with any Order to Show Cause that may issue in this action.

## **DEFINITIONS**

The following definitions apply to each of the Requests herein and should be read and referred to upon answering the Requests:

1. The term **“Plaintiffs”** means Gucci America, Inc., Balenciaga, S.A., Balenciaga America, Inc. and their respective “officers, directors, employees, partners, corporate parent, subsidiaries or affiliates.” S.D.N.Y. Local Civil Rule 26.3(c)(5).
2. The term **“Defendants”** means Curveal Fashion doing business as Replicasi.com and Semelur.com; Joseph Lee a/k/a Joe Yap; ABC Companies; and John Does and their “officers, directors, employees, partners, corporate parent, subsidiaries or affiliates.” S.D.N.Y. Local Civil Rule 26.3(c)(5).
3. The term **“Plaintiffs’ Marks”** means trademarks, service marks, and trade dress that identify Plaintiffs, their products, authorized stores, websites, and affiliates, including but not limited to the marks referenced in Exhibits 1 and 2 to the Complaint in this action.
4. The term **“Disputed Products”** means any and all products sold, manufactured, marketed or otherwise offered to consumers by any of the Defendants that in any way display, utilize or reference any of Plaintiffs’ Marks or any colorable imitations of Plaintiffs’ Marks, including but not limited to the products defined in the Complaint in this action as “Counterfeit Products.”
5. The terms **“Person”** and **“Persons”** mean any natural person or any business, legal or governmental entity or association. S.D.N.Y. Local Civil Rule 26.3(c)(6).

6. The term “**Document**” is synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), including, without limitation, electronic or computerized data compilations. A draft or non-identical copy is a separate document within the meaning of this term. S.D.N.Y. Local Civil Rule 26.3(c)(2).

7. The term “**Communication**” means “the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).” S.D.N.Y. Local Civil Rule 26.3(c)(1).

8. The term “**Concerning**” means “relating to, referring to, describing, evidencing or constituting.” S.D.N.Y. Local Civil Rule 26.3(c)(7).

### INSTRUCTIONS

A. In producing documents pursuant to these requests, Defendants are required to furnish all Documents in Defendants’ possession, custody or control that are known or available to Defendants. A Document is in Defendants’ possession, custody or control, if, among other things, it is in Defendants’ physical custody, or if it is in the physical custody of any other person and Defendants (a) own such Document in whole or in part; (b) have a right by contract, statute, or otherwise to use, inspect, examine or copy such Document on any terms; (c) have an understanding, express or implied, that Defendants may use, inspect, examine or copy such Document on any terms; or (d) have, as a practical matter, been able to use, inspect, examine or copy such Document when Defendants have sought to do so. Such Documents shall include, without limitation, Documents that are in the custody of Defendants’ attorney(s) or other agent(s).

B. Defendants must make a diligent search of Defendants’ records (including but not limited to paper records, computerized records, electronic mail records and voice-mail records) and of other papers and materials in Defendants’ possession or available to Defendants or

Defendants' attorneys, financial advisors, consultants, investigators, and other agents or representatives.

C. Each request herein constitutes a request for Documents in their entirety, with all enclosures and attachments, and without abbreviation, redaction or expurgation.

D. Defendants shall produce any and all drafts and copies of each Document that are responsive to any request, and all copies of such Documents that are not identical in any respect, including but not limited to copies containing handwritten notes, markings, stamps or interlineations.

E. If Defendants contend that a requested Document is privileged in whole or part, or contend that any identified Document would be excludable from production and discovery regardless of its relevance (including, but not limited to, a claim of attorney-client privilege or the attorney work-product doctrine), Defendants are required, for each and every such Document, to state the nature of the privilege being claimed and to provide the following information: (a) the type of document, *e.g.*, letter or memorandum; (b) the general subject matter of the document; (c) the date of the document; and (d) such other information as is sufficient to identify the document for a subpoena *duces tecum*, including, where appropriate, the author of the document, the addressees of the document, and any other recipients shown in the document, and, where not apparent, the relationship of the author, addressees, and recipients to each other. S.D.N.Y. Local Civil Rule 26.2(a).

F. A request for Documents within a particular time period shall be deemed to include all Documents that were dated, prepared, sent or received during that time period.

G. If Defendants possess, control, or have custody of nothing responsive to any numbered request set forth below, state this fact by so specifying in Defendants' response to said request.

H. If Defendants' "original" of a Document is a photocopy (or other copy), then the copy should be produced as the original.

I. Documents shall be produced as they are kept in the usual course of business or shall be organized and labeled to correspond to the particular request or requests to which they are responsive. Wherever requested Documents, are stored in electronic, digital, or computerized form, Defendants are to provide it in that form, including any software required to access, retrieve, or read the data. All other Documents should be produced in a readable electronic format whenever and wherever possible.

J. With respect to the production of any category of Documents which Defendants contend is in some way burdensome or oppressive, state the specific reason for this objection and briefly summarize the Documents in question.

K. Each request shall be deemed continuing so as to require supplementation if Defendants obtain any further responsive Documents between the time that Defendants' initial production is due and the time of trial.

## **II. Documents Requested**

1. All Documents Concerning Plaintiffs in Defendants' possession, custody or control.
2. All Documents Concerning all Defendants' uses of the Plaintiffs' Marks or colorable imitations thereof, including but not limited to all such uses on advertisements, websites, products of any type, signs, prints, packages, wrappers, pouches, receptacles, metadata, search engine keywords, advertising matter, promotional, and other materials.
3. All Documents Concerning any and all earnings, profits, or other benefits that Defendants have obtained that are in any way attributable, related, or connected to Defendants' uses of Plaintiffs' Marks, including but not limited to the names and account numbers for the banks, savings and loans, and other financial institutions in which such earnings, profits, or other benefits are maintained.
4. All Documents Concerning Defendants' manufacture, purchase, acquisition, design, order, import, export, advertisement, distribution or sale of the Disputed Products, including but not limited to Documents Concerning Defendants' sources of the Disputed Products, and any pending advertisements, offerings, sales, or shipments of the Disputed Products.
5. All Documents Concerning the relationship between the Defendants, including but not limited to documents concerning the corporate structure and organization of the Defendants and the transfer of payments, profits, costs, and/or losses between them.
6. All Documents Concerning any and all payments to Defendants in return for any and all Disputed Goods that were transmitted, processed, facilitated, enabled, or otherwise contributed to by any and all third parties, including but not limited to credit card companies,

agencies, or processors, or other financial institutions or such as, without limitation: (i) RBS Worldpay; (ii) MasterCard; (iii) American Express; (iv) Visa; (v) Visa Purchasing; (vi) Visa Electron; (vii) JCB; (viii) Delta; (ix) Solo; (x) Maestro; and (xi) any and all accounts with any and all financial institutions responsible for processing credit or debit card purchases from any of Defendants, including but not limited to purchases made with a MasterCard credit card account from “REPLICASI.COM” or “SEMELUR.COM” or “CURVEAL FASHION” or “WPPL-CURVEAL FASHION”; (xii) any and all accounts with any and all financial institutions responsible for processing credit or debit card purchases from any of Defendants, including but not limited to purchases made with an American Express credit card from “REPLICASI.COM” or “SEMELUR.COM” or “CURVEAL FASHION” or “WPPL-CURVEAL FASHION”; (xiii) any and all accounts with any and all financial institutions responsible for processing credit or debit card purchases from any of Defendants, including but not limited to purchases made with a Visa credit card from “REPLICASI.COM” or “SEMELUR.COM” or “CURVEAL FASHION” or “WPPL-CURVEAL FASHION”; and (ix) any and all accounts with any and all financial institutions responsible for processing credit or debit card purchases from any of Defendants, including but not limited to purchases made with a Discover credit card from “REPLICASI.COM” or “SEMELUR.COM” or “CURVEAL FASHION” or “WPPL-CURVEAL FASHION.”

7. All Documents Concerning, relating to, supporting, or contradicting any of the allegations in the Complaint in this action.

Dated: New York, New York  
October 5, 2009

GIBSON, DUNN & CRUTCHER

By: \_\_\_\_\_  
Robert L. Weigel (RW 0163)  
Howard S. Hogan (HH 7995)  
Jennifer C. Halter (JH 7032)

200 Park Avenue, 47th Floor  
New York, New York 10166  
(212) 351-4000

*Attorney for Plaintiffs Gucci America, Inc.,  
Balenciaga, S.A. and Balenciaga America, Inc.*

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Judge Hellerstein

10 CIV 1630

CIVIL ACTION NO.

THE NORTH FACE APPAREL CORP., a  
Delaware Corporation; and PRL USA  
HOLDINGS, INC., a Delaware  
Corporation,

Plaintiffs

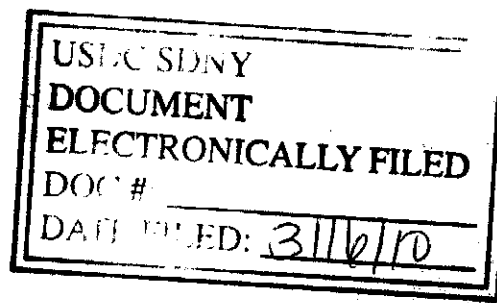
v.

FUJIAN SHARING IMPORT & EXPORT  
LTD. CO., d/b/a B2BSHARING.COM;  
DONGPING LIU a/k/a DONG PING LIU;  
YUAN CHEN; ANDY HUANG; MIN  
CHEN; CAI XIAN SHENG; MICHAEL  
LIN; LI MING WANG; FANG CHENG;  
LIN WEIXIAN; ZHOU CHANG; LAIKE  
ALHASSAN; PP JINBO; JERRY URBEN;  
HUNAG YANXIA; WANG ZHAO HUI;  
JOHN DOES 1-100; JANE DOES 1-100;  
and XYZ COMPANIES 1-100,

Defendants.

~~PRELIMINARY~~ TEMPORARY  
RESTRAINING ORDER, SEIZURE  
ORDER, ASSET RESTRAINING  
ORDER, DOMAIN NAME  
TRANSFER ORDER AND ORDER  
TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION

[FILED UNDER SEAL PURSUANT  
TO 15 U.S.C. § 1116]



Plaintiffs THE NORTH FACE APPAREL CORP. and PRL USA HOLDINGS, INC.  
(collectively, "Plaintiffs") having moved *ex parte* against Defendants Fujian Sharing Import &  
Export Ltd. Co., d/b/a B2Bsharing.com; Dongping Liu a/k/a Dong Ping Liu; Yuan Chen; Andy  
Huang; Min Chen; Cai Xian Sheng; Michael Lin; Li Ming Wang; Fang Cheng; Lin Weixian;  
Zhou Chang; Laike Alhassan; Pp Jinbo; Jerry Urben; Hunag Yanxia; Wang Zhao Hui; John Does  
1-100; Jane Does 1-100; and XYZ Companies 1-100 (collectively, "Defendants") for a  
Temporary Restraining Order, Seizure Order, Asset Restraining Order, Domain Name Transfer  
Order and Order to Show Cause for Preliminary Injunction pursuant to Federal Rule of Civil  
Procedure 65 and the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et seq.*, as amended by the  
Trademark Counterfeiting Act of 1984, Public Law 98-473 (October 12, 1984), the Anti-



Counterfeiting Consumer Protection Act of 1996, Pub. L. 104-153 (July 2, 1996), and the Prioritizing Resources and Organization for Intellectual Property Act of 2007, H.R. 4279 (October 13, 2008) (the “Lanham Act”), for the reason that Defendants are manufacturing, distributing, offering for sale and/or selling, through various Internet websites operated by Defendants, goods bearing counterfeit reproductions of Plaintiffs’ federally registered trademarks, as listed in Plaintiffs’ Complaint filed concurrently herewith and incorporated herein by reference, which trademarks (collectively, “Plaintiffs’ Marks”) are owned and controlled by Plaintiffs and used in connection with products listed in Plaintiffs’ Complaint and incorporated herein by reference (collectively, “Plaintiffs’ Products”), and the Court having reviewed the Complaint, Memorandum of Law, supporting Declarations and exhibits submitted herewith, finds:

1. Plaintiffs are likely to succeed in showing that Defendants are part of an on-line counterfeiting ring, using thousands of websites to offer for sale and/or sell merchandise -- including but not limited to apparel, backpacks, gloves and shoes bearing counterfeits of Plaintiffs’ Marks (“Counterfeit Products”), as well as counterfeits of other trademarked goods -- to consumers in the United States, which merchandise is manufactured in China and drop-shipped directly to consumers in the United States;

2. The manufacturing, distributing, offering for sale and/or selling of Counterfeit Products will result in immediate and irreparable injury to Plaintiffs if injunctive relief is not granted including seizure of Counterfeit Products, Defendants’ means of selling and distributing Counterfeit Products, and the records pertaining thereto is not ordered;

3. Defendants have gone to great lengths to conceal their true identities and would likely destroy, move, hide or otherwise make the Counterfeit Products, Defendants’ means of

selling and distributing Counterfeit Products, and business records relating thereto inaccessible to the Court if Plaintiffs were to proceed on notice to Defendants, thus frustrating the ultimate relief Plaintiffs seek in this action;

4. Defendants have gone to great lengths to conceal and/or move outside of this Court's reach, their profits from the sale of Counterfeit Products, including using multiple Western Union accounts to evade money laundering limits and/or to appear to be separate unrelated accounts, using merchant accounts located in China, which mask the true identity of the entity/person receiving monies and using multiple Paypal accounts and/or moving assets through multiple seemingly unrelated accounts within Paypal;

4. Plaintiffs' harm from denial of the requested *ex parte* seizure order would outweigh any harm to Defendants' legitimate interests from granting such an order;

5. Plaintiffs have represented that they have not publicized the requested seizure order;

6. Plaintiffs have provided the United States Attorney with reasonable notice of this application for an *ex parte* seizure order;

7. Plaintiffs have demonstrated that Defendants are operating a large, fluid network of websites, as set forth in Exhibit A to the Complaint ("Defendants' Websites"), offering for sale and selling Counterfeit Products, using various domain names, including, without limitation, the following domain names containing Plaintiffs' Marks:

4TheNorthFace.Com, 91Polo.Com, AddNorthFace.Com, AuthenticPolo.Com, CheerPolo.Com, ClothesPolo.Com, ILoveTheNorthFace.Com, NicePoloStore.Com, NorthFace.Cc, NorthFaceComing.Com, NorthFaceMountain.Com, NorthFaceOutdoor.Com, NorthFaceOutletsale.Com, North-Face-Sale.Com, NorthFaceSaleOutlet.Com, NorthFaceSalesOutlet.Com, NorthFaceSaleStore.Com, NorthFacesOutlet.Com, NorthFaceSupply.Com, OfficePolo.Com, OfficialNorthFace.Com, OfficialPolos.Org, OnlineNorthFace.Com, OutdoorNorthFace.Com, OutletNorthFace.Com, Polo4All.Com, Polo4Sale.Com, PoloCart.Com, PoloNSale.Com, Polo-Ralph.Com, PoloRalphWorld.Com, PoloShirtCompany.Com, Polo-Shirts.Us,

PoloShirtsSale.Com, PoloShirtsShop.Com, PolosHome.Com, PoloStore.Us, PoloTShirtsHan.Com, SaleNorthFaces.Com, SellPoloShirts.Com, TheNorthFaceComing.Com, TheNorthFaceMoving.Com, TheNorthFaceSaleOnline.Com, TheNorthFaceSaleShop.Co.Uk, TheNorthFaceSaleShop.Com, TheNorthFaceSalesOnline.Com, TheNorthFaceSaleStore.Com, TheNorthFaceShow.Com, TheNorthFaceSupplier.Com, TheNorthFaceTrade.Com, TheNorthFaceUKStore.Com, TNFShopping.Com, and ToNorthFace.Com

and other domain names containing Plaintiffs' Marks which Plaintiffs have yet to discover (collectively, the "Infringing Domain Names"); and

8. Entry of an order other than an *ex parte* temporary restraining order, seizure order domain name transfer order and asset restraint would not adequately achieve the purposes of the Lanham Act to preserve Plaintiffs' equitable remedies for trademark counterfeiting, including: *inter alia*, the restraint of Defendants' Websites, the seizure of Defendants' means of distributing, offering for sale and selling Counterfeit Products, the acquisition of the business records relating to Counterfeit Products, and an award to Plaintiffs of lost profits.

THEREFORE, IT IS HEREBY ORDERED that Defendants Fujian Sharing Import & Export Ltd. Co., d/b/a B2BSharing.com; Dongping Liu a/k/a Dong Ping Liu; Yuan Chen; Andy Huang; Min Chen; Cai Xian Sheng; Michael Lin; Li Ming Wang; Fang Cheng; Lin Weixian; Zhou Chang; Laike Alhassan; Pp Jinbo; Jerry Urben; Hunag Yanxia; Wang Zhao Hui; John Does 1-100; Jane Does 1-100; and XYZ Companies 1-100 show cause on or before the 16 day of March 2010 at 4:00 a.m./p.m. or as soon thereafter as counsel can be heard, in Courtroom 14D, in the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, why an order pursuant to Federal Rule of Civil Procedure 65 and Section 34 of the Lanham Act should not be entered granting Plaintiffs a preliminary injunction as follows:

(a) Enjoining and restraining Defendants, their officers, agents, servants and employees and any persons in active concert or participation with them from:

- (i) using Plaintiffs' Marks or any reproduction, counterfeit, copy or colorable imitation of Plaintiffs' Marks in connection with the manufacture, distribution, advertising, offer for sale and/or sale of merchandise not the genuine products of Plaintiffs, or in any manner likely to cause others to believe that Defendants' products are connected with Plaintiffs or Plaintiffs' genuine merchandise bearing Plaintiffs' Marks; and
- (ii) passing off, inducing or enabling others to sell or pass off any apparel, backpacks, gloves, shoes or other items which are not Plaintiffs' genuine merchandise as and for Plaintiffs' genuine merchandise; and
- (iii) committing any other acts calculated to cause purchasers and/or the general public to believe that Defendants' products are Plaintiffs' genuine merchandise unless they are such; and
- (iv) shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner apparel or other items falsely bearing Plaintiffs' Marks, or any reproduction, counterfeit, copy or colorable imitation of same; and
- (v) utilizing the Infringing Domain Names and registering any additional domain names that use or incorporate any of Plaintiffs' Marks; and
- (vi) operating Defendants' Websites.

(b) Impounding, during the pendency of this action, all Counterfeit Products, including apparel, backpacks, footwear and gloves in the current custody or control of Defendants and other materials and merchandise seized pursuant to the provisions of this Order.

(c) Restricting the transfer of Defendants' assets pursuant to the provisions of this Order hereinafter set forth.

(d) Ordering transfer of the Infringing Domain Names, whether by the domain name registry, namely Verisign, Inc. or Neustar, Inc., or by the individual registrars, which hold one or more of the Infringing Domain Names, to a registrar of Plaintiffs' selection to hold ~~and operate~~ the Infringing Domain Names until further order from this Court.

IT APPEARING to the Court that Defendants are manufacturing, distributing, offering for sale and/or selling Counterfeit Products, including by operation of Defendants' Websites, and will continue to carry out such acts unless restrained by Order of the Court, it is hereby:

ORDERED, that pending the hearing on Plaintiffs' application for a preliminary injunction, Defendants, including Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them or third parties providing services used in connection with Defendants' operations, or having knowledge of this Order by service, actual notice or otherwise be, and they are, hereby temporarily restrained from:

- (a) committing any of the acts set forth in subparagraphs (a)(i)-(vi) above;
- (b) moving, destroying, or otherwise disposing of any products, labels, or other items, merchandise or documents relating to the Counterfeit Products, Defendants' Websites, and/or Defendants' assets and operations; and
- (c) removing, destroying or otherwise disposing of any computer files, electronic files, business records, or documents relating to Defendants' Websites, Defendants' assets and operations or relating in any way to the manufacture, acquisition, purchase, distribution or sale of Counterfeit Products or any reproduction, counterfeit, copy or colorable imitation of Plaintiffs' Marks; and it is further

ORDERED, that any third party providing services in connection with any Defendant and/or Defendants' Websites, including without limitation, Internet Service Providers ("ISP"), back-end service providers, web designers, sponsored search engine or ad-word providers, merchant account providers, third party processors and other payment processing services, shippers, domain name registrars and domain name registries (collectively "Third Party Providers") shall, upon receiving notice of this Order, deliver to Plaintiffs or their representatives copies of documents and records relating to Defendants, Defendants' Websites, Defendants'

assets and Defendants' business operations, including but not limited to records and data contained in electronic format, such delivery to be made in their native format; and it is further

ORDERED, that the Temporary Restraining Order shall remain in effect until the date for hearing on the Order to Show Cause set forth above, or such further dates as set by the Court, unless Defendants stipulate, or have not objected, to the Preliminary Injunction; and it is further


ORDERED, that Plaintiffs shall post a corporate surety bond, cash or a certified or attorney's check in the amount of five thousand dollars <sup>\$50,000</sup> ~~\$5,000~~ as security, determined adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful seizure or restraint hereunder; and it is further

ORDERED, that Plaintiffs may complete service of process on Defendants by electronic mail at the following email addresses, which Plaintiffs have demonstrated will provide adequate notice to Defendants pursuant to Fed. R. Civ. P. 4: shenyinying@b2bsharing.com, syysinger1026@yahoo.com, sales@northfacecoming.com, sales@tnfshopping.com, sales@outdoornorthface.com, sales@northfacesaleoutlet.com, a.g.onlinestore@gmail.com, sales@thenorthfacetrade.com, sales@uggcardy.org, usuksale@kicksboots.com, sales@cheapgoodssale.com, vinshine@kickboots.com, runtimberland@intheego.com, a7869599@163.com, thenorthfacesaleshop@intheego.com, mallabraod@pureboots.com, sales@northfaceoutdoor.com, sales@tonorthface.com, ceo@ecsdeals.com, polocart@gmail.com, poloshirtsshop@gmail.com, sales@sunglasses-sale.org, clothepolo@gmail.com, sales@polomall.us, rona610@gmail.com, yangjing29@gmail.com, tradelily8@gmail.com, myclothingshop8@gmail.com, and sales@b2bsharing.com; and it is further

ORDERED, that sufficient cause having been shown, ~~the above seizure shall take place~~ ~~and~~ service of this Order together with the Summons and Complaint, which may be made on Defendants by electronic mail, and that such service shall be made ~~and such seizure shall take~~

*by March 9, 2010, 3:00 pm.*  
~~place within twenty (20) business days from the date of this Order or at such time as may be extended by this Court; and it is further~~

ORDERED, that Plaintiffs' counsel file with the court within ten (10) business days after this Order is executed, an affidavit or declaration stating the date on which the Order was executed, the means of serving Defendants, whether goods and/or other materials were seized and a description thereof, whether domain names were seized and a description thereof and whether assets were seized and/or restrained a description thereof; and it is further

ORDERED, that in accordance with Rule 64 of the Federal Rules of Civil Procedure, 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, Defendants and their officers, servants, employees and agents and any persons in active concert or participation with them, and any banks, savings and loan associations or other financial institutions, including without limitation PayPal accounts, Western Union accounts, IPS accounts, ECPSS accounts, or other merchant account providers, payment providers, or third party processors or for any Defendant, any of Defendants' Websites or for any other website owned or controlled by Defendants, who receive actual notice of this Order, ~~shall immediately locate all accounts connected to Defendants or~~   
~~Defendants' Websites and~~ be temporarily restrained and enjoined from transferring or disposing of any money, stocks or other of Defendants' assets, without prior approval of the Court, except as to a Defendant that files with the Court and serves upon Plaintiffs' counsel:

(1) an accounting of any of all of Defendant's assets located in the United States having a value of two thousand dollars (\$2,000) or more, and the location and identity thereof; and

(2) uncontradicted documentary proof accepted by Plaintiffs, (such acceptance not to be unreasonably withheld) that particular assets are not proceeds of



Defendants' counterfeiting activities, in which case those particular assets shall be released to such Defendant; and it is further

ORDERED, that upon two (2) business day's written notice to the Court and Plaintiffs' counsel, any Defendant may, upon proper showing, appear and move for the dissolution or modification of the provisions of this Order concerning the restriction upon transfer of Defendants' assets; and it is further

ORDERED that, pursuant to 15 U.S.C. § 1125(d)(1)(C), the Infringing Domain Names shall be transferred to Plaintiffs pending trial; and it is further

ORDERED that the registry for each of the Infringing Domain Names, Verisign, Inc. and Neustar, Inc., transfer the Infringing Domain Names to a registrar of Plaintiffs' choice pending *further order of the court*; and it is further

ORDERED that the gaining registrar for each of the Infringing Domain Names delete all existing Domain Name Server (DNS) entries and corresponding addresses, and enter such registrar's default Domain Name Server and address entries to prevent further damage caused by Defendants' use of the Infringing Domain Names; and it is further

*f 500,000 in the amount of \$*  
ORDERED, that Defendants' answering papers, if any, shall be filed with the Clerk of this Court and served upon the attorneys for Plaintiff by delivering copies thereof to the offices of Greenberg Traurig, 200 Park Avenue, New York, New York, 10166, Attention: G. Roxanne Elings, Esq., before *4:00* ~~am~~ p.m. on *March 16*, 2010. Any reply shall be filed and served by Plaintiffs at the hearing; and it is finally;

ORDERED, that this action shall remain sealed by the Court until the date for hearing on the Order to Show Cause set forth above, at which time the Clerk shall remove the seal.

Defendants are hereby given notice that failure to attend the hearing scheduled herein may result in confirmation of the seizure authorized herein, destruction or other disposition of

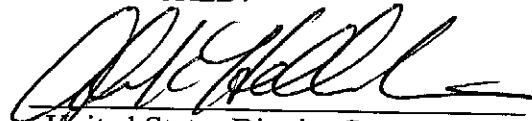


the goods seized, if any, immediate issuance of the prayed-for Preliminary Injunction to take effect immediately upon expiration or dissolution of the within Temporary Restraining Order, and shall otherwise extend for the pendency of this litigation relief upon the same terms and conditions as comprise this Temporary Restraining Order. Defendants are hereby given further notice they shall be deemed to have actual notice of the issuance and terms of such Preliminary Injunction and any act by them or any one of them in violation of any of the terms thereof may be considered and prosecuted as contempt of this Court.

DATE:

March 2, 2010  
at 3<sup>45</sup> pm.

SO ORDERED:

  
United States District Court Judge

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TORY BURCH LLC; RIVER LIGHT V, L.P.

Plaintiffs

v.

YONG SHENG INTERNATIONAL TRADE CO., LTD;  
CONGDADA PENA; BINGFENG QUI; LI  
YAXIACHAI; LI BIN; LINJIANPING; JACK  
WILSON; JIANGUO CHEN; TORYBURCH-  
MALL.COM; ZHUZIXIAN; BILL FISHER; ANTLEO  
LIN; JQ LIN; WU JUNYU; MILLION MAN d/b/a  
TORYBURCHOUTLETSHP.COM; VECTO S. d/b/a  
TORYBURCHSALE.NET; LIDAYONG; ZHAN  
JIAQUIN; JIAXINTONG IMPORT & EXPORT CO.  
LTD d/b/a SPORTS SDFSS; KEYWHOLESALE.COM  
INC; YUCANG LI; FREESHIPPINGHANDBAG.COM;  
RUAN FA; NINE NINE TRADE; DONGWEI;  
LOUBOUTINTIME.COM; DYLAN d/b/a  
JIMMYBOOTS.COM; ONESTOP-  
ONLINESHOPPING.COM; ZHONGTIAN; RAO  
YUZHHAO d/b/a TOPSHOESTOBAGS TRADE CO.  
LTD.; COLO CHONG d/b/a UGGLLOUBOUTIN CO,  
LTD; YE JUNJIE d/b/a GUIHE TRADING CO. LTD;  
XINLI CHEN d/b/a GUANGZHOU FASHIONPURSUE  
TRADE CO. LTD.; WU DONG d/b/a SPORTS SERIES  
TRADE CO. LTD; WHOLESALEUSLIVE.COM;  
JESSKI2010; CHINA SUNSHINE INTERNATIONAL  
TRADING CO. LTD. d/b/a NAME-BRAND-  
ONLINE.COM; YANG QIAO d/b/a FASHION866  
TRADE CO., LTD.; CHEN JIONGYANG d/b/a  
FASHIONHOLIC CO. LTD.; XIAO XIANMO d/b/a  
XIAMEN SHINSON TRADING CO., LTD.; RIHONG  
LIN d/b/a JACK SMITHS; XYZ COMPANIES; and  
JOHN and JANE DOES

Defendants.

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DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/4/11

Civil Action No. 10 Civ. 9336

[FILED UNDER SEAL  
PURSUANT TO 15 U.S.C.  
§ 1116]

## PRELIMINARY INJUNCTION ORDER

Plaintiffs TORY BURCH LLC and RIVER LIGHT V, L.P. (collectively, “Tory Burch” or “Plaintiffs”) having moved *ex parte* against YONG SHENG INTERNATIONAL TRADE CO., LTD; CONGDADA PENA; BINGFENG QUI; LI YAXIACHAI; LI BIN; LINJIANPING; JACK WILSON; JIANGUO CHEN; TORYBURCH-MALL.COM; ZHUZIXIAN; BILL FISHER; ANTLEO LIN; JQ LIN; WU JUNYU; MILLION MAN d/b/a TORYBURCHOUTLETSHP.COM; VECTO S. d/b/a TORYBURCHSALE.NET; LIDAYONG; ZHAN JIAQUIN; JIAXINTONG IMPORT & EXPORT CO. LTD d/b/a SPORTS SDFSS; KEYWHOLESALE.COM INC; YUCANG LI; FREESHIPPINGHANDBAG.COM; RUAN FA; NINE NINE TRADE; DONGWEI; LOUBOUTINTIME.COM; DYLAN d/b/a JIMMYBOOTS.COM; ONESTOP-ONLINESHOPPING.COM; ZHONGTIAN; RAO YUZHAO d/b/a TOPSHOESTOBAGS TRADE CO. LTD.; COLO CHONG d/b/a UGGLOUBOUTIN CO, LTD; YE JUNJIE d/b/a GUIHE TRADING CO. LTD; XINLI CHEN d/b/a GUANGZHOU FASHIONPURSUE TRADE CO. LTD.; WU DONG d/b/a SPORTS SERIES TRADE CO. LTD; WHOLESALUSLIVE.COM; JESSKI2010; CHINA SUNSHINE INTERNATIONAL TRADING CO. LTD. d/b/a NAME-BRAND-ONLINE.COM; YANG QIAO d/b/a FASHION866 TRADE CO., LTD.; CHEN JIONGYANG d/b/a FASHIONHOLIC CO. LTD.; XIAO XIANMO d/b/a XIAMEN SHINSON TRADING CO., LTD.; RIHONG LIN d/b/a JACK SMITHS; XYZ COMPANIES; and JOHN and JANE DOES (collectively, “Defendants”) for a Temporary Restraining Order, Order to Disable Certain Web Sites, Asset Restraining Order, Expedited Discovery Order and Order to Show Cause for Preliminary Injunction (collectively, the “Order”) pursuant to Federal Rule of Civil Procedure 65 and the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et seq.*, as amended by the Trademark

Counterfeiting Act of 1984, Public Law 98-473 (October 12, 1984), the Anticybersquatting Consumer Protection Act of 1996, Pub. L. 104-153 (July 2, 1996), and the Prioritizing Resources and Organization for Intellectual Property Act of 2007, H.R. 4279 (October 13, 2008) (the “Lanham Act”), for the reason that Defendants are distributing, offering for sale and/or selling, via the Internet, goods bearing counterfeit reproductions of Tory Burch’s federally registered trademarks, as listed in Tory Burch’s Complaint filed concurrently herewith and incorporated herein by reference, which trademarks (collectively, the “TORY BURCH Marks”) are owned and controlled by Tory Burch and used in connection with products listed in Tory Burch’s Complaint and incorporated herein by reference (collectively, the “Tory Burch Products”); and the Court having reviewed the Complaint, Memorandum of Law in support of the Order, supporting Declarations and exhibits submitted herewith, issued such an Order on December 17, 2010, and having found, *inter alia*, the following:

1. Tory Burch has demonstrated that it is entitled to injunctive relief by establishing that it is suffering irreparable harm and that it is likely to succeed on the merits of its claims;

2. With respect to irreparable harm, and taking into consideration the Second Circuit’s recent abrogation of the historical standard for demonstrating irreparable harm in the context of copyright law (*Salinger v. Colting*, 607 F.3d 68, 77-78 (2d Cir. April 30, 2010) (following *eBay, Inc. v. MercExchange, L.L.C.* 547 U.S. 388, 390-1 (2006))) and replacing it with a new standard, Tory Burch has demonstrated that it is likely to succeed in showing (a) that it is suffering irreparable injury in the absence of an injunction based on Defendants’ distribution, offering for sale and sale of Counterfeit Products (b) that remedies at law, such as money damages, are inadequate to compensate for that injury, (c) that the balance of hardships tips in Tory Burch’s favor and (d) that the public would not be disserved by the issuance of injunctive relief;

3. With respect to likelihood of success on the merits, Tory Burch has demonstrated that it is likely to succeed in showing that its TORY BURCH Marks are valid and protectable and entitled to protection;

4. Further with respect to likelihood of success on the merits, Tory Burch has demonstrated that it is likely to succeed in showing that Defendants are manufacturing, distributing, offering for sale and/or selling counterfeit products -- including but not limited to footwear, handbags and accessories -- bearing counterfeits of the TORY BURCH Marks ("Counterfeit Products") to buyers in the United States, including in this Judicial District;

5. Further with respect to likelihood of success on the merits, Tory Burch has demonstrated that it is likely to succeed in showing that Defendants are selling Counterfeit Products by operating a network of web sites ("Defendants' Infringing Web Sites") resolving at various domain names set forth in **Exhibit 1** attached hereto, including, without limitation, the following domain names containing the TORY BURCH Marks:

cheap-toryburchshoes.com	toryburch-retail.com
discounttoryburch.com	toryburch-retailshop.com
discounttoryburch.org	toryburch-sale.com
etoryburch.com	tory-burch-sale.com
lovetoryburch.com	toryburchsale.net
saletoryburch.com	toryburchsale.org
sale-toryburch.com	toryburchsaler.com
tory-burch.us	toryburchsell.com
toryburch2011.com	toryburch-shoes.us
toryburchbag.com	toryburchshoesonsale.com
toryburchbest.com	toryburchshoes-onsale.com
toryburchbrand.com	toryburchshoesoutlets.com
toryburchbrandstore.com	toryburchshoes-outlets.com
toryburchclassic.com	toryburchshoesstore.com
toryburchcom.com	toryburchshop.us
toryburchfans.com	toryburchshops.com
toryburchflatssale.com	toryburchsoutlets.org
toryburch-home.com	toryburch-store.com

toryburch-mall.com	toryburchstores.com
toryburchnow.com	toryburchto.com
toryburchofficial.com	toryburchtopsale.com
toryburchok.com	toryburchuk.com
toryburchonsale.com	toryburchus.com
toryburch-outlet.com	toryburchyes.com
toryburchoutlet.org	toryshoes.com
toryburchoutlets.org	us-toryburchshoes.com
toryburchoutletshop.com	

(collectively, the “Infringing Domain Names”);

6. Defendants have gone to great lengths to conceal themselves and their ill-gotten proceeds from Tory Burch’s and this Court’s detection including by using multiple false identities and addresses associated with their operations and purposely-deceptive contact information;

7. Defendants would likely destroy, move, hide or otherwise make the Counterfeit Products, Defendants’ means of selling and distributing Counterfeit Products, financial accounts used in connection with the sale of Counterfeit Products, and business records relating thereto inaccessible to the Court if Tory Burch was to proceed on notice to Defendants, thus frustrating the ultimate relief Tory Burch seeks in this action; and

8. Tory Burch’s harm from denial of the requested *ex parte* Order would outweigh any harm to Defendants’ legitimate interests from granting such an Order; and

9. Defendants having been served with the Order, Complaint, Summons and supporting papers, including notice of the show cause hearing to be held on January 4, 2011 at 11:00 a.m. in Courtroom 24B in the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007; and

10. None of the Defendants have filed a response to Tory Burch’s moving papers or otherwise appeared in this action; and

THEREFORE, IT IS HEREBY ORDERED that Defendants, their officers, agents servants and employees and any persons in active concert or participation with them are preliminarily enjoined and restrained from:

- (i) using the TORY BURCH Marks or any reproduction, counterfeit, copy or colorable imitation of the TORY BURCH Marks in connection with the distribution, advertising, offer for sale and/or sale of merchandise not the genuine products of Tory Burch; and
- (ii) passing off, inducing or enabling others to sell or pass off any Counterfeit Products as and for Tory Burch Products; and
- (iii) shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner footwear, handbags, apparel, accessories or other items falsely bearing the TORY BURCH Marks, or any reproduction, counterfeit, copy or colorable imitation of same; and
- (iv) utilizing the Infringing Domain Names and registering any additional domain names that use or incorporate any of the TORY BURCH Marks; and
- (v) operating and/or hosting Defendants' Infringing Web Sites.

ORDERED, that third parties providing services used in connection with Defendants' operations including, without limitation, Internet Service Providers ("ISP"), registrars, or online third-party selling platforms including without limitation Alibaba.com, Tradekey.com, iOffer.com, EC21.com, Ecplaza.net and DIYtrade.com, having knowledge of this Order by service, actual notice or otherwise be, and are, hereby preliminarily enjoined from providing services to any Defendant in conjunction with any of the acts set forth in subparagraphs (i)-(v) above; and it is further

ORDERED that in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, that the asset restraint provisions contained in the Order shall remain in place until the disposition of this action as to Defendants and their officers, servants, employees and agents and



any persons in active concert or participation with them, and any banks, savings and loan associations, payment processors or other financial institutions, including without limitation PayPal, Inc. ("PayPal"), or other merchant account providers, payment providers, or third party processors for any Defendant, any of Defendants' operations, Defendants' B2B Selling Pages, Defendants' Infringing Web Sites or for any other website owned or controlled by Defendants, who receive actual notice of this Preliminary Injunction Order, shall immediately locate all accounts connected to Defendants or Defendants' Infringing Web Sites and that such accounts be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets, not allowing such funds to be transferred or withdrawn, and not allowing other diminutions to be made by Defendants from such accounts pending further order from this Court;

ORDERED that upon two (2) business day's written notice to the Court and Tory Burch's counsel, any Defendant may, upon proper showing, appear and move for the dissolution or modification of the provisions of this Preliminary Injunction Order concerning the restriction upon transfer of such Defendant's assets; and it is further

ORDERED that Tory Burch may continue to obtain expedited discovery by providing actual notice, pursuant to subpoena or otherwise, of this Preliminary Injunction Order to any of the following: (1) Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them; (2) any banks, savings and loan associations, payment processors or other financial institutions, including without limitation, PayPal, or other merchant account providers, payment providers, third party processors, credit card associations (e.g., MasterCard and VISA), which receive payments or hold assets on Defendants' behalf; and (3) any third party service providers, including without limitation, ISPs, back-end service providers, web designers, sponsored search engine or ad-word providers,



shippers, domain name registrars, domain name registries or online third-party selling platforms including without limitation DIYtrade.com, Alibaba.com, Tradekey.com, Ecplaza.net, iOffer.com and EC21.com who have provided services for Defendants; and it is further

ORDERED, that any third party providing services in connection with any Defendant and/or Defendants' Infringing Web Sites, including without limitation, ISPs, back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant account providers including PayPal, third party processors and other payment processing services, shippers, domain name registrars, domain name registries and online third-party selling platforms including without limitation DIYtrade.com, Alibaba.com, Tradekey.com, Ecplaza.net, iOffer.com and EC21.com (collectively "Third Party Providers") shall within five (5) days after receipt of such notice, provide copies of all documents and records in such person or entity's possession or control relating to:

(a) The identities and addresses of Defendants, their agents, servants, employees, confederates, and any persons acting in concert or participation with them and the locations and identities of Defendants' operations, including without limitation, identifying information associated with Defendants' websites, Infringing Domain Names and financial accounts;

(b) Defendants' Infringing Web Sites;

(c) The Infringing Domain Names or any domain name registered by Defendants;

and

(d) Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including without

limitation, PayPal, Western Union, or other merchant account providers, payment providers, third party processors, credit card associations (e.g., MasterCard and VISA); and it is further

ORDERED that, in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, the domain name registries, including but not limited to VeriSign, Inc., Neustar, Inc., and Public Interest Registry and/or the individual registrars holding or listing one or more domain names used in conjunction with Defendants' Infringing Web Sites, disable and/or continue to disable the Defendants' Infringing Web Sites, and make them untransferable pending further order from this Court; and it is further

ORDERED that, in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, any third party providing services in connection with any Defendant and/or Defendants' websites, including without limitation ISPs, back-end service providers, affiliate program providers, web designers, and sponsored search engine or ad-word providers, shall immediately temporarily disable service to any and all Defendants' Infringing Web Sites; and it is further

ORDERED, that Tory Burch may continue to serve process on Defendants by electronic mail at the following eighty-one (81) email addresses, which Tory Burch has demonstrated will provide adequate notice to Defendants pursuant to Fed. R. Civ. P. 4:

1010236175@qq.com	namebrandwholesaler@hotmail.com
70290473@qq.com	ndw4d@sine.cn
airmaxluolin@hotmail.com	peak_allen@yahoo.com.cn
aizhuozhuo888@gmail.com	sale.uggboots@hotmail.com
alltopbag@gmail.com	sale@designerhandbags8.com
anthonyleolin@gmail.com	sales@toryburchstores.com
atopluxury@gmail.com	saletoryburchshoes@hotmail.com
benson.jam98@gmail.com	service@toryburch-sale.com
bizchinapaypal@yahoo.com.cn	shang220@hotmail.com

candy.dudul213@gmail.com	shoesservice6@gmail.com
charlesbill2008@hotmail.com	shopallstore@yahoo.com.cn
checkout.jp@gmail.com	supplytrade@hotmail.com
chenyuqiu2010@hotmail.com	support@hotsdeal.com
designerhandbags8@gmail.com	support@toryburchsale.com
eluxuryclothing@hotmail.com	surfenhk@hotmail.com
eluxuryclothing@hotmail.com.cn	szum2008@126.com
fashion866@hotmail.com	t1250@163.com
fashionhollicz@gmail.com	terry@fallinfashion.com
fashionshop911@hotmail.com	thehouseofgucci@hotmail.com
fjgwl@yahoo.com.cn	topshoestobags@hotmail.com
freeshippinghandbag@gmail.com	tory.burch@hotmail.com
gochinabisniz@yahoo.com.cn	toryburchmall@hotmail.com
gooc.lynn@gmail.com	toryburchonline@hotmail.com
guyers1@gmail.com	toryburchonsale@gmail.com
info@7discountshop.com	toryburchoutletmore@gmail.com
info@toryburchbag.com	toryburchsale@gmail.com
janeonline23@gmail.com	toryburchshop@hotmail.com
jimmybootstrade@hotmail.com	toryburchshops@hotmail.com
keywholesale@gmail.com	toryburchus@gmail.com
keywholesale@hotmail.com	tt88times@hotmail.com
keywholesale@yahoo.com	wangcai420@gmail.com
ksrcyvffg@gmail.com	weiwei1580@hotmail.com
leesun8661@yahoo.com.cn	wholesaleuslive@hotmail.com
lincheryl09@yahoo.com	xdreamcart@hotmail.com
liyucang@gmail.com	yourtrade@hotmail.com
louboutintime@hotmail.com	ypdv@hotmail.com
luolonghai2012@hotmail.com	zhongtiannice@hotmail.com
ly12cxl@yahoo.com	zhuolanyu0594@yahoo.com.cn
lypwholesale@gmail.com	shoestorecn@gmail.com
maiditrade@hotmail.com	world5625@gmail.com
marslion3@hotmail.com	

as well as by attempting service at any other email addresses identified through expedited discovery as belonging to or associated with any Defendant as well as attempting service on any valid facsimile number identified as belonging to or being associated with any Defendant; and it is further

**EXHIBIT 1**  
**TO THE PRELIMINARY INJUNCTION**

<b>Defendants' Infringing Web Sites</b>
brandslead.com
cheap-toryburchshoes.com
designerhandbags8.com
discounttoryburch.com
discounttoryburch.org
Eluxuryclothing.com
etoryburch.com
eugg.us
fallinfashion.com
fashion866.com
fashionpursue.com
fashionshop911.com
Freeshippinghandbag.com
handbag77.com
hotsdeal.com
jimmyboots.com
keenretail.com
keywholesale.com
keywholesaleclothing.com
keywholesaleinc.com
keywholesaleshop.com
likehighheels.com
louboutintime.com
lovetoryburch.com
maiditrade.com
name-brand-online.com
Nikejordancenter.com
onestop-onlineshopping.com
pop-luxury.com
saletoryburch.com
sale-toryburch.com
shoestorecn.com
Thehouseofgucci.com
topshoestobags.com
tory-burch.us
toryburch2011.com
toryburchbag.com
toryburchbest.com
toryburchbrand.com

toryburchbrandstore.com
toryburchclassic.com
toryburchcom.com
toryburchfans.com
toryburch-home.com
toryburch-mall.com
toryburchnow.com
toryburchofficial.com
toryburchok.com
toryburchonsale.com
toryburch-outlet.com
toryburchoutlet.org
toryburchoutlets.org
toryburch-retail.com
toryburch-retailshop.com
toryburch-sale.com
tory-burch-sale.com
toryburchsale.net
toryburchsale.org
toryburchsaler.com
toryburchsell.com
toryburch-shoes.us
toryburchshoesonsale.com
toryburchshoes-onsale.com
toryburchshoes-outlets.com
toryburchshoesoutlets.com
toryburchshoesstore.com
toryburchshop.us
toryburchshops.com
toryburchsoutlets.org
toryburch-store.com
toryburchstores.com
toryburchto.com
toryburchtopsale.com
toryburchuk.com
toryburchus.com
toryburchyes.com
toryshoes.com
uggbootsell.net
uggjordanghd.com
ugglouboutin.com

us-toryburchshoes.com
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wholesale-go.com
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ORDERED that this Preliminary Injunction Order shall remain in effect until disposition of this action; and it is finally

ORDERED that the seal on this action is hereby removed.

SIGNED this 4<sup>th</sup> day of January 2011.

  
\_\_\_\_\_  
THE HONORABLE DEBORAH A. BATTS



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

TRUE RELIGION APPAREL, INC.; GURU DENIM,  
INC.,

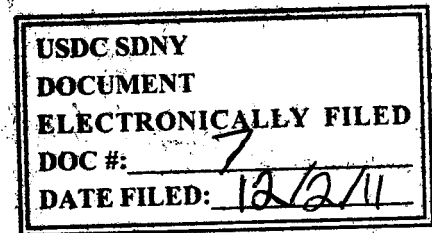
Plaintiffs,

v.

XIAOKANG LEI D/B/A  
TRUERELIGIONJEANS4OUTLET.COM; LIN JIANYU  
D/B/A TRUERELIGIONJEANSOUTLET8.COM; ZHAO  
YANG QU D/B/A TRUERELIGION2CHEAP.COM;  
RONGLIAN LU D/B/A TOPTRJEANS.COM;  
FORTRUERELIGIONJEANS.COM D/B/A  
FASHIONJEANSHOP@GMAIL.COM; XIN JIE KOU  
D/B/A TRUERELIGIONSALE.CO.UK; JIAQIAO LV  
D/B/A TRUERELIGION2CHEAP.COM; ZHAO YANG  
QU D/B/A TRUERELIGION2CHEAP.COM;  
WANGMING D/B/A JEANSWHOLESALE.COM;  
SERVICE@TRUERELIGIONLIKE.COM D/B/A  
OBSC001@HOTMAIL.COM D/B/A  
TRUERELIGIONLIKE.COM;  
CHEAPERTRUERELIGIONJEANS.NET D/B/A  
JACKROSEGATES@GMAIL.COM; XIAOYU CHEN  
D/B/A SH12345602@HOTMAIL.COM D/B/A  
CHEAPTRUERELIGIONJEANSOUTLETS.COM; LUCY  
KING D/B/A LUCYKING88@YAHOO.COM D/B/A  
MYFASHIONJEANS.COM; TOM SMITH D/B/A  
KICKSONFOOT@GMAIL.COM D/B/A  
BUYTRUERELIGIONJEANS.NET D/B/A  
QIQUWANG.NET; QIN KE D/B/A  
CHEAPTRUERELIGIONJEANS@HOTMAIL.COM  
D/B/A MRSHUANG123@HOTMAIL.COM; TAN JUN  
D/B/A WORLD203@HOTMAIL.COM D/B/A  
BTWGOLD4@HOTMAIL.COM; JINGSHUN HUANG  
D/B/A HAOTIAN INTERNATIONAL INDUSTRIAL  
CO., LTD. D/B/A NIKECOOL.COM; CHEN JINSHAN  
D/B/A HONG KONG TIMES SQUARE TRADING CO.,  
LTD. D/B/A V9MAIL.COM; CHEN ZHIFENG D/B/A  
ZHIF\_CHEN@163.COM D/B/A HONG KONG JAVON  
TRADE LTD. D/B/A TINRUI.COM; LI FENGNIAN  
D/B/A FENG08183@SOHU.COM D/B/A CHEAP SKYS  
CO. LTD. D/B/A CHEAP-SKYS.COM; SHOES-GOOGLE

Civil Action No. 11-cv-8242 (HB)

**[FILED UNDER SEAL  
PURSUANT TO 15 U.S.C.  
§ 1116]**



CO., LTD. D/B/A GOTRADINGZONE.COM D/B/A  
 GOTRADINGZONE@HOTMAIL.COM; GUOFANG  
 XIAO D/B/A EMAIL598269039@QQ.COM D/B/A  
 TONGHE TRADE CO., LTD. D/B/A  
 THE9THSTREET.COM; BRANDSTRIBE CO., LTD.  
 D/B/A BRANDSTRIBE.COM D/B/A  
 ALICEWENNE@HOTMAIL.COM D/B/A  
 SALES@BRANDSTRIBE.COM D/B/A  
 BRANDSTRIBE@HOTMAIL.COM D/B/A  
 BRANDSTRIBEINFO@YAHOO.COM; XUBEICHAO  
 D/B/A TRADEMEMOMENT CO. LTD. D/B/A  
 TRADEMOMENT.COM; YEMAO D/B/A SHUNYUAN  
 INTERNATIONAL EXPORT CO. D/B/A  
 TRADE88N.COM D/B/A  
 TRADE88CN@HOTMAIL.COM; WANG FOYUN D/B/A  
 FASHIONCHOOSE TRADE CO., LTD. D/B/A  
 FASHIONCHOOSE.COM D/B/A  
 WYZSHOES@HOTMAIL.COM; WWW.BESTKF.COM  
 D/B/A WZJ886@LIVE.CN D/B/A  
 - WUQIUPING2004@163.CN; CHENZHONG D/B/A  
 FASHION TRADING COMPANY D/B/A  
 FASHION2011STORE.COM D/B/A  
 ZOU1973@HOTMAIL.COM; ALLEN IEE D/B/A CHEER  
 TRADE COMPANY D/B/A CHEERWHOLESALE.COM;  
 LIN HAO D/B/A HONG KONG FAIRY  
 INTERNATIONAL, LTD. D/B/A MORIVER-  
 TRADE.COM D/B/A MOONRIVER-  
 TRADE@HOTMAIL.COM; XIAO XU D/B/A  
 TRADEVOID SHOES TRADING CO., LTD. D/B/A  
 TRADEVOID.COM; HUANG JINFENG D/B/A HAPPY  
 SPORTS INDUSTRY CO., LTD. D/B/A  
 PENGFASHIONSHOES.COM; WEI JIANGGUANG  
 D/B/A CHINARG002@126.COM D/B/A LONGFENG  
 INDUSTRY CO., LTD. D/B/A  
 LONGFENGTRADE.COM; XIAOFANG NI D/B/A WIWI  
 TRADE CO., LTD. D/B/A WIWITRADE.COM D/B/A  
 WIWITRADE@HOTMAIL.COM; CHEN ZIU SONG  
 D/B/A LRGJEANS008@HOTMAIL.COM D/B/A  
 JERSEY TRADE CO. LTD. D/B/A  
 AAANBAJERSEY.COM; HONEST99896 D/B/A  
 DAJIAHAO662009@HOTMAIL.COM;  
 FERSHOUHELLO D/B/A  
 XUHUAN0123@YAHOO.COM.CN; ZHAOMIN8898  
 D/B/A ZHAOMIN82@YAHOO.COM; TUNIAN1 D/B/A  
 402590112@QQ.COM; LINA669925 D/B/A  
 YANGYINGHUI0123@YAHOO.COM.CN; AND  
 TRUEYES85 D/B/A LYGANG2010@YAHOO.COM.CN,

XYZ COMPANIES, AND JOHN AND JANE DOES,  
Defendants.

**TEMPORARY RESTRAINING ORDER, ORDER TO DISABLE CERTAIN WEB SITES,  
ASSET RESTRAINING ORDER, EXPEDITED DISCOVERY ORDER AND ORDER TO  
SHOW CAUSE FOR PRELIMINARY INJUNCTION**

Plaintiffs TRUE RELIGION APPAREL, INC. and GURU DENIM, INC. (collectively, “True Religion” or “Plaintiffs”) having moved *ex parte* against Defendants XIAOKANG LEI d/b/a TRUERELIGIONJEANS4OUTLET.COM; LIN JIANYU d/b/a TRUERELIGIONJEANSOUTLET8.COM; ZHAO YANG QU d/b/a TRUERELIGION2CHEAP.COM; RONGLIAN LU d/b/a TOPTRJEANS.COM; FORTRUERELIGIONJEANS.COM d/b/a FASHIONJEANSHOP@GMAIL.COM; XIN JIE KOU d/b/a TRUERELIGIONSALE.CO.UK; JIAQIAO LV d/b/a TRUERELIGION2CHEAP.COM; ZHAO YANG QU d/b/a TRUERELIGION2CHEAP.COM; WANGMING d/b/a JEANSWHOLESALE.COM; SERVICE@TRUERELIGIONLIKE.COM d/b/a OBCS001@HOTMAIL.COM d/b/a TRUERELIGIONLIKE.COM; CHEAPERTRUERELIGIONJEANS.NET d/b/a JACKROSEGATES@GMAIL.COM; XIAOYU CHEN d/b/a SH12345602@HOTMAIL.COM d/b/a CHEAPTRUERELIGIONJEANSOUTLETS.COM; LUCY KING d/b/a LUCYKING88@YAHOO.COM d/b/a MYFASHIONJEANS.COM; TOM SMITH d/b/a KICKSONFOOT@GMAIL.COM d/b/a BUYTRUERELIGIONJEANS.NET d/b/a QIQUWANG.NET; QIN KE d/b/a CHEAPTRUERELIGIONJEANSSALE@HOTMAIL.COM d/b/a MRSHUANG123@HOTMAIL.COM; TAN JUN d/b/a WORLD203@HOTMAIL.COM d/b/a BTWGOLD4@HOTMAIL.COM; JINGSHUN HUANG d/b/a HAOTIAN INTERNATIONAL INDUSTRIAL CO., LTD. d/b/a NIKECOOL.COM; CHEN JINSHAN d/b/a

HONG KONG TIMES SQUARE TRADING CO., LTD. d/b/a V9MAIL.COM; CHEN  
 ZHIFENG d/b/a ZHIF\_CHEN@163.COM d/b/a HONG KONG JAVON TRADE LTD. d/b/a  
 TINRUI.COM; LI FENGNIAN D/B/A FENG08183@SOHU.COM D/B/A CHEAP SKYS CO.  
 LTD. d/b/a CHEAP-SKYS.COM; SHOES-GOOGLE CO., LTD. d/b/a  
 GOTRADINGZONE.COM d/b/a GOTRADINGZONE@HOTMAIL.COM; GUOFANG XIAO  
 d/b/a EMAIL598269039@QQ.COM d/b/a TONGHE TRADE CO., LTD. d/b/a  
 THE9THSTREET.COM; BRANDSTRIBE CO., LTD. d/b/a BRANDSTRIBE.COM d/b/a  
 ALICEWENNE@HOTMAIL.COM D/B/A SALES@BRANDSTRIBE.COM d/b/a  
 BRANDSTRIBE@HOTMAIL.COM D/B/A BRANDSTRIBEINFO@YAHOO.COM;  
 XUBEICHAO d/b/a TRADEMEMOMENT CO. LTD. d/b/a TRADEMOMENT.COM; YEMAO  
 d/b/a SHUNYUAN INTERNATIONAL EXPORT CO. d/b/a TRADE88N.COM d/b/a  
 TRADE88CN@HOTMAIL.COM; WANG FOYUN D/B/A FASHIONCHOOSE TRADE CO.,  
 LTD. d/b/a FASHIONCHOOSE.COM d/b/a WYZSHOES@HOTMAIL.COM;  
 WWW.BESTKF.COM d/b/a WZJ886@LIVE.CN d/b/a WUQIUPING2004@163.CN;  
 CHENZHONG d/b/a FASHION TRADING COMPANY d/b/a FASHION2011STORE.COM  
 D/B/A ZOU1973@HOTMAIL.COM; ALLEN IEE d/b/a CHEER TRADE COMPANY d/b/a  
 CHEERWHOLESALE.COM; LIN HAO d/b/a HONG KONG FAIRY INTERNATIONAL,  
 LTD. d/b/a MORIVER-TRADE.COM d/b/a MOONRIVER-TRADE@HOTMAIL.COM; XIAO  
 XU d/b/a TRADEVOID SHOES TRADING CO., LTD. d/b/a TRADEVOID.COM; HUANG  
 JINFENG d/b/a HAPPY SPORTS INDUSTRY CO., LTD. d/b/a  
 PENGFASHIONSHOES.COM; WEI JIANGGUANG d/b/a CHINARG002@126.COM d/b/a  
 LONGFENG INDUSTRY CO., LTD. d/b/a LONGFENGTRADE.COM; XIAOFANG NI d/b/a  
 WIWI TRADE CO., LTD. d/b/a WIWITRADE.COM d/b/a WIWITRADE@HOTMAIL.COM;  
 CHEN ZIU SONG D/B/A LRGJEANS008@HOTMAIL.COM d/b/a JERSEY TRADE CO.

LTD. d/b/a AAANBAJERSEY.COM; HONEST99896 d/b/a  
 DAJIAHAO662009@HOTMAIL.COM; FERSHOUHELLO d/b/a  
 XUHUAN0123@YAHOO.COM.CN; ZHAOMIN8898 d/b/a ZHAOMIN82@YAHOO.COM;  
 TUNIAN1 d/b/a 402590112@QQ.COM; LINA669925 d/b/a  
 YANGYINGHUI0123@YAHOO.COM.CN; AND TRUEYES85 d/b/a  
 LYGANG2010@YAHOO.COM.CN, XYZ COMPANIES, AND JOHN AND JANE DOES  
 (collectively, “Defendants”) for a Temporary Restraining Order, Order to Disable Certain Web  
 Sites, Asset Restraining Order, Expedited Discovery Order and Order to Show Cause for  
 Preliminary Injunction (collectively, the “Order”) pursuant to Federal Rule of Civil Procedure 65  
 and the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et seq.*, as amended by the Trademark  
 Counterfeiting Act of 1984, Public Law 98-473 (October 12, 1984), the Anticybersquatting  
 Consumer Protection Act of 1996, Pub. L. 104-153 (July 2, 1996), and the Prioritizing Resources  
 and Organization for Intellectual Property Act of 2007, H.R. 4279 (October 13, 2008) (the  
 “Lanham Act”), and the Copyright Act, 17 U.S.C. §§ 501, 17 U.S.C. § 106, *et. seq.*, for the  
 reason that Defendants are distributing, offering for sale and/or selling, via the Internet, goods  
 bearing counterfeit reproductions of the True Religion’s federally registered trademarks and  
 copyrights, as listed in True Religion’s Complaint filed concurrently herewith and incorporated  
 herein by reference, which trademarks (collectively, the “TRUE RELIGION Marks”) and  
 copyrights (the “True Religion Copyrights”) are owned and controlled by the True Religion and  
 used in connection with products listed in True Religion’s Complaint and incorporated herein by  
 reference (collectively, the “True Religion Products”), and the Court having reviewed the  
 Complaint, Memorandum of Law in support of the Order, supporting Declarations and exhibits  
 submitted herewith, finds:

1. True Religion has demonstrated that it is entitled to injunctive relief by establishing that it is suffering irreparable harm and that it is likely to succeed on the merits of its claims;

2. With respect to likelihood of success on the merits, True Religion has demonstrated that it is likely to succeed in showing that its TRUE RELIGION Marks and True Religion Copyrights are valid and protectable and entitled to protection;

3. Further with respect to likelihood of success on the merits, True Religion has demonstrated that it is likely to succeed in showing that Defendants are manufacturing, distributing, offering for sale and/or selling counterfeit products -- including, *inter alia*, jeanswear, sportswear, accessories and other goods -- bearing counterfeits of the TRUE RELIGION Marks and True Religion Copyrights ("Counterfeit Products") to buyers in the United States, including in this Judicial District;

4. Further with respect to likelihood of success on the merits, True Religion has demonstrated that it is likely to succeed in showing Defendants are selling Counterfeit Products by operating a network of web sites ("Defendants' Infringing Web Sites") resolving at various domain names set forth in **Exhibit 1** attached hereto, including, without limitation, the following domain names containing the TRUE RELIGION Marks:

- |                                   |                                     |
|-----------------------------------|-------------------------------------|
| 1. truereligionjeans4outlet.com   | 2. cheapertruereligionjeans.com     |
| 3. truereligionjeans2sale.com     | 4. truereligionoutlet-sale.com      |
| 5. truereligion4outlet.com        | 6. truereligionsooutlets2011.net    |
| 7. truereligionjeansoutlet8.com   | 8. jeans-true-religions.com         |
| 9. cheaptruereligionjeanssale.org | 10. truereligionjeansbox.com        |
| 11. cheaptruereligionjeans2.com   | 12. truereligionjeans-outlets1.info |
| 13. truereligionoutlet3.com       | 14. cheaptrue-religionjeans.com     |
| 15. truereligionoutlet8.com       | 16. cheaptruereligionjeanssale.net  |
| 17. truereligionjeanssales.com    | 18. true-religion-jeans-outlet.com  |
| 19. cheaptruereligion8.com        | 20. cheapjeanstruereligion.info     |
| 21. toptruereligionjeans.com      | 22. cheaptruereligionjeans.info     |



- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| 23. fortruereigionjeans.com          | 24. saletruereigionsjeans.info       |
| 25. truereligionale.co.uk            | 26. truereligionjeans-outlet.cc      |
| 27. cheaptruereigion.co.uk           | 28. truereligionjeans-outlet.info    |
| 29. truereligion2cheap.com           | 30. truereligionjeans-outlets1.info  |
| 31. truereligion-cheap.com           | 32. truereligion-outlet.cc           |
| 33. truereligion2sale.com            | 34. truereligionoutletjeans.info     |
| 35. truereligionlike.com             | 36. truereligion-outletjeans.info    |
| 37. cheapertruereigionjeans.net      | 38. truereligionoutletjeans.cc       |
| 39. cheaptruereigionjeans2u.com      | 40. truereligionjeanssale.cc         |
| 41. cheaptruereigionjeans2011.com    | 42. truereligionoutlet.cc            |
| 43. truereligionoutletusa.com        | 44. jeans-true-religion.com          |
| 45. cheaptruereigionjeans-sale.com   | 46. truereligionoutletjeans-new.info |
| 47. truereligionjeansbox.com         | 48. jeans-true-religions.com         |
| 49. truereligionjeans4sale.com       | 50. truereligionbrandjeansstore.com  |
| 51. mycheaptruereigionjeans.com      | 52. cheaptruereigionjeanssale.net    |
| 53. cheaptruereigionjeansoutlets.com | 54. cheaptrue-religionjeans.com      |
| 55. cheaptruereigionjeansoutlets.net | 56. cheap-true-religion-jeans.com    |
| 57. buytruereigionjeans.net          | 58. truereligion4sale.com            |

(collectively, the “Infringing Domain Names”);

5. The distribution, offering for sale and sale of Counterfeit Products will result in immediate and irreparable injury to True Religion if injunctive relief is not granted;

6. Defendants have gone to great lengths to conceal themselves and their ill-gotten proceeds from True Religion’s and this Court’s detection including by using multiple false identities and addresses associated with their operations and purposely-deceptive contact information;

7. If True Religion were to proceed on notice to Defendants, Defendants would likely destroy, move, hide or otherwise make the Counterfeit Products, Defendants’ means of selling and distributing Counterfeit Products, financial accounts used in connection with the sale of Counterfeit Products, and business records relating thereto inaccessible to the Court, thus frustrating the ultimate relief True Religion seeks in this action;

8. True Religion's harm from denial of the requested *ex parte* Order would outweigh any harm to Defendants' legitimate interests from granting such an Order;

9. True Religion has represented that it has not publicized the requested Order;

10. True Religion has provided the United States Attorney with reasonable notice of Plaintiffs' application for an Order;

11. Entry of an order other than the requested Order would not adequately achieve the purposes of the Lanham Act to preserve True Religion's equitable remedies for trademark counterfeiting, including, *inter alia*: the restraint of Defendants' counterfeiting operations including Defendants' Infringing Web Sites, the disabling of Defendants' means of distributing, offering for sale and selling Counterfeit Products, the acquisition of the business records relating to Defendants' operations, and preservation of True Religion's right to an equitable accounting of proceeds from Defendants' sale of Counterfeit Products.

THEREFORE, IT IS HEREBY ORDERED that Defendants show cause on or before the 30th day of November 2011 at 11:00 a.m. or as soon thereafter as counsel can be heard, in Courtroom 23B, in the United States District Court for the Southern District of New York, why an order pursuant to Federal Rule of Civil Procedure 65 and Section 34 of the Lanham Act should not be entered granting True Religion a Preliminary Injunction as follows:

(a) Enjoining and restraining Defendants, their officers, agents, servants and employees and any persons in active concert or participation with them, including but not limited to Internet service providers ("ISPs"), from:

(i) using the TRUE RELIGION Marks and True Religion Copyrights or any reproduction, counterfeit, copy or colorable imitation of the TRUE RELIGION Marks and True Religion Copyrights in connection with the distribution, advertising, offer for sale and/or sale of merchandise not the genuine products of True Religion; and



- (ii) passing off, inducing or enabling others to sell or pass off any Counterfeit Products as and for True Religion; and
  - (iii) shipping, delivering, holding for sale, distributing, returning, transferring or otherwise moving, storing or disposing of in any manner jeanswear, sportswear, accessories or other items falsely bearing the TRUE RELIGION Marks and True Religion Copyrights, or any reproduction, counterfeit, copy or colorable imitation of same; and
  - (iv) utilizing the Infringing Domain Names and registering any additional domain names that use or incorporate any of the TRUE RELIGION Marks and True Religion Copyrights; and
  - (v) operating and/or hosting Defendants' Infringing Web Sites.
- (b) Restricting the transfer of Defendants' assets pursuant to the provisions of this Order hereinafter set forth.
- (c) Ordering the domain name registries, including but not limited to VeriSign, Inc., Neustar, Inc., and Public Interest Registry and/or the individual registrars holding or listing one or more domain names used in conjunction with Defendants' Infringing Web Sites, to disable these domain names, through a registry hold or otherwise, and make them untransferable until further order from this Court.

IT APPEARING to the Court that Defendants are distributing, offering for sale and/or selling Counterfeit Products, including via Defendants' Infringing Web Sites, and will continue to carry out such acts unless restrained by Order of the Court, it is hereby:

ORDERED, that pending the hearing on True Religion's application for a Preliminary Injunction, Defendants, including their agents, servants, employees, confederates and any persons acting in concert or participation with them or third parties providing services used in connection with Defendants' operations including, without limitation, Internet Service Providers ("ISP"), registrars, or online third-party selling platforms, having knowledge of this Order by service, actual notice or otherwise be, and are, hereby temporarily restrained from:

- (a) Committing any of the acts set forth in subparagraphs (a)(i)-(v) above;
- (b) Moving, destroying, or otherwise disposing of any items, merchandise or documents relating to the Counterfeit Products, Defendants' Infringing Web Sites, and/or Defendants' assets and operations; and
- (c) Removing, destroying or otherwise disposing of any computer files, electronic files, business records, or documents relating to Defendants' Infringing Web Sites, Defendants' assets and operations or relating in any way to the manufacture, acquisition, purchase, distribution or sale of Counterfeit Products or any reproduction, counterfeit, copy or colorable imitation of the TRUE RELIGION Marks; and it is further

ORDERED, that discovery herein may begin immediately by True Religion by providing actual notice, pursuant to subpoena or otherwise, of this Order to any of the following: (1) Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them; (2) any banks, savings and loan associations, payment processors or other financial institutions, including without limitation, PayPal, Inc., or other merchant account providers, payment providers, third party processors, credit card associations (e.g., MasterCard and VISA), which receive payments or hold assets on Defendants' behalf; and (3) any third party service providers, including without limitation, ISPs, back-end service providers, web designers, sponsored search engine or ad-word providers, shippers, domain name registrars, domain name registries or online third-party selling who have provided services for Defendants; and it is further

ORDERED, that any third party providing services in connection with any Defendant and/or Defendants' Infringing Web Sites, including without limitation, ISPs, back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant

account providers including PayPal, Inc., third party processors and other payment processing services, shippers, domain name registrars, domain name registries and online third-party selling platforms (collectively “Third Party Providers”) shall within five (5) days after receipt of such notice, provide copies of all documents and records in such person or entity’s possession or control relating to:

- (a) The identities and addresses of Defendants, their agents, servants, employees, confederates, and any persons acting in concert or participation with them and the locations and identities of Defendants’ operations, including without limitation, identifying information associated with Defendants’ Infringing Web Sites, Infringing Domain Names and financial accounts;
- (b) Defendants’ Infringing Web Sites;
- (c) The Infringing Domain Names or any domain name registered by Defendants; and
- (d) Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including without limitation, PayPal, Inc., Western Union, or other merchant account providers, payment providers, third party processors, credit card associations (*e.g.*, MasterCard and VISA); and it is further

ORDERED, that the Temporary Restraining Order shall remain in effect until the date for hearing on the Order to Show Cause set forth above, or such further dates as set by the Court, unless Defendants stipulate, or have not objected, to the Preliminary Injunction; and it is further

ORDERED, that True Religion shall post a corporate surety bond in the amount of ten thousand dollars (\$10,000.00) as security, determined adequate for the payment of such damages as any person may be entitled to recover as a result of a wrongful seizure or restraint hereunder; and it is further

ORDERED, that sufficient cause having been shown, service of this Order together with the Summons and Complaint, which may be made on Defendants by registered electronic mail, and that such service shall be made on or before November 23, 2011 at 5:00 p.m. following service on the Third Party Providers, which is to occur on or before Friday November 18, 2011; and it is further

ORDERED, that True Religion may complete service of process on Defendants by electronic mail at the following one hundred and thirty-seven (137) email addresses, which True Religion has demonstrated will provide adequate notice to Defendants pursuant to Fed. R. Civ.

P. 4:

sarah_trading@live.com	e-trade1988@hotmail.com	smart127@hotmail.com
sarah@psunions.com	dajiahao662009@hotmail.com	wuqiuping2004@163.cn
louisvuitton.sale@hotmail.com	ynyfan@aol.com	lucktrade09@hotmail.com
toptrjeans@hotmail.com	zhnzlin@aol.com	gouzhu66@gmail.com
toptruereligionjeans@hotmail.com	comaupeter@gmail.com	abcbuysell@hotmail.com
fashionjeanshop@gmail.com	sellersaleessmith@gmail.com	andear.pt@hotmail.com
sales@truereligionale.co.uk	admin@qq.com	kellylin55@hotmail.com
sarah@psunions.com	173916647@qq.com	pt123@126.com
outletjean@gmail.com	sanbokeyes@yahoo.com	hepinsports2010@yahoo.cn
vip.managerservice@gmail.com	black.hubbard@gmail.com	papy168@hotmail.com
service@truereligionlike.com	storezhs@hotmail.com	ipayebagi@163.com
obcs001@hotmail.com	yourspayment@yahoo.com	guang168ying@hotmail.com
jackrosegates@gmail.com	zhzrong@aol.com	271305515@qq.com
wrsns@msn.com	chczhen@aol.com	wangmeixiang86@yahoo.com.cn
service@myfashionjeans.com	outletjean@gmail.com	xuhuan0123@yahoo.com.cn
jeanstruereligion@gmail.com	vip.managerservice@gmail.com	zhaomin82@yahoo.com
cheaptruereligionjeanssale		
@hotmail.com	trademaster101@hotmail.com	402590112@qq.com
world203@hotmail.com	stephanyu28qz2@hotmail.com	yangyinghui0123@yahoo.com.cn

nikecool@live.com	383068823@qq.com	lygang2010@yahoo.com.cn
V9mall@hotmail.com	ctownbaby@comcast.net	ca10010cn@hotmail.com
tinrui_tradekey@hotmail.com	dradina@mac.com	lan_1802@163.com
		brandstribе.com
javon_trade@hotmail.com	vanessa.nikki@gmail.com	@protecteddomainservices.com
cheapskys@hotmail.com	vikthegoddess@hotmail.co.uk	Email598269039@qq.com
gotradingzone@hotmail.com	wxiaomian@hotmail.com	feng08183@sohu.com
trade369@hotmail.com	mmotrading@yahoo.cn	zhif_chen@163.com
trade369@gmail.com	537553944@qq.com	jask18@163.com
sales@brandstribе.com	kicksonfoot@gmail.com	shtanjuunno1@163.com
brandstribе@hotmail.com	kicksonfoots@gmail.com	819486758@qq.com
brandstribеinfo@yahoo.com	needapairshoe@gmail.com	kicksonfoot@gmail.com
order@trademoment.com	mrshuang123@hotmail.com	sh12345602@hotmail.com
trade88cn@hotmail.com	btwgold4@hotmail.com	dradina@mac.com
wyzshoes@hotmail.com	wholesaledaily@gmail.com	zterry101@gmail.com
wzj886@live.cn	nikecool@live.com	lrgjeans008@hotmail.com
zou1973@hotmail.com	421567127@qq.com	wiwitrade@hotmail.com
sales@cheerwholesale.com	efashiontrade@gmail.com	chinarg002@126.com
cheer_001@hotmail.com	v9mall@hotmail.com	404898547@qq.com
moonriver-trade@hotmail.com	jask18@163.com	pt123@126.com
tradevoid@hotmail.com	262001558@qq.com	505175638@qq.com
tradevoid@yahoo.com.cn	402660558@qq.com	cheerfred@hotmail.com
fashionshop2010@hotmail.com	fengnianly@sohu.com	lan_1802@163.com
papo168@hotmail.com	longbiztrade@hotmail.com	lucyking88@yahoo.com
papo168@163.com	gotradingzone@hotmail.com	sh12345602@hotmail.com
wiwitrade@gmail.com	kaka368@163.com	ca10010cn@hotmail.com
aaanbajersey@hotmail.com	trade369@hotmail.com	1554253616@qq.com
aaanbajersey@yahoo.com.cn	alicewenne@hotmail.com	XylonDamek@hotmail.com
	marry-gan@hotmail.com	kandyCarroll@hotmail.com

; and it is further

ORDERED, that True Religion's counsel file with the court within ten (10) days after this Order is executed, an affidavit or declaration setting forth: (a) the date on which the Order was executed, (b) the date and means with which the Defendants' were served with a copy of the Order, and (c) a description of the domain names, websites and other assets that were disabled and/or restrained; and it is further

ORDERED, that in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, Defendants and their officers, servants, employees and agents and any persons in active concert or participation with them, and any banks, savings and loan associations, payment processors or other financial institutions, including without limitation PayPal, Inc., or other merchant account providers, payment providers, or third party processors for any Defendant, any of Defendants' operations, Defendants' Infringing Web Sites or for any other website owned or controlled by Defendants, who receive actual notice of this Order, shall immediately locate all accounts connected to Defendants or Defendants' Infringing Web Sites and that such accounts be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets, not allowing such funds to be transferred or withdrawn, and not allowing any refunds, charge-backs, or other diminutions to be made from such accounts pending further order from this Court; and it is further

ORDERED, that upon two (2) business day's written notice to the Court and True Religion's counsel, any Defendant may, upon proper showing, appear and move for the dissolution or modification of the provisions of this Order concerning the restriction upon transfer of Defendants' assets; and it is further

ORDERED that, in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, the domain name registries, including but not limited to VeriSign, Inc., Neustar, Inc., and Public Interest Registry, and/or the individual registrars holding or listing one or more of the domain names used in conjunction with Defendants' Infringing Web Sites shall, within three (3) days of receipt of this Order, temporarily disable these domain names, through a registry hold or

otherwise, and make them inactive and untransferable pending further order from this Court; and it is further

ORDERED that, in accordance with 15 U.S.C. § 1116(a) and this Court's inherent equitable power to issue provisional remedies ancillary to its authority to provide final equitable relief, any third party providing services in connection with any Defendant and/or Defendants' websites, including without limitation ISPs, back-end service providers, affiliate program providers, web designers, and sponsored search engine or ad-word providers, shall immediately temporarily disable service to any and all Defendants' Infringing Web Sites; and it is further

ORDERED, that Defendants' answering papers, if any, shall be filed with the Clerk of this Court and served upon the attorneys for True Religion by delivering copies thereof to the offices of Greenberg Traurig, 200 Park Avenue, 34<sup>th</sup> Floor, New York, NY 10166 Attention: Scott Gelin, Esq., before 5:00 p.m. on November 28, 2011. Any reply shall be filed and served by True Religion by 11:00 a.m. on November 30, 2011; and it is finally

ORDERED, that this action shall remain sealed by the Court until the date for hearing on the Order to Show Cause set forth above, at which time the Clerk shall remove the seal.

Defendants are hereby given notice that failure to attend the hearing scheduled herein may result in confirmation of the seizure authorized herein, destruction or other disposition of the goods seized, if any, immediate issuance of the prayed-for Preliminary Injunction to take effect immediately upon expiration or dissolution of the Temporary Restraining Order, and shall otherwise extend for the pendency of this litigation relief upon the same terms and conditions as comprise this Temporary Restraining Order. Defendants are hereby given further notice they shall be deemed to have actual notice of the issuance and terms of such Preliminary Injunction and any act by them or any one of them in violation of any of the terms thereof may be considered and prosecuted as contempt of this Court.

SIGNED this 17<sup>th</sup> day of November 2011.

  
UNITED STATES DISTRICT COURT JUDGE



### Exhibit 1

1. truereligionjeans4outlet.com
2. truereligionjeans2sale.com
3. truereligion4outlet.com
4. truereligionjeansoutlet8.com
5. cheapjeanssale2.com
6. cheaptruereligionjeanssale.org
7. cheaptruereligionjeans2.com
8. truereligionoutlet3.com
9. truereligionoutlet8.com
10. brandjeansonline.org
11. truereligionjeanssales.com
12. bagsoutletss.com
13. religionoutlets.com
14. toptrjeans.com
15. cheaptruereligion8.com
16. toptruereligionjeans.com
17. fashionjeanshop.com
18. fortruereligionjeans.com
19. truereligionale.co.uk
20. cheaptruereligion.co.uk
21. truereligion2cheap.com
22. truereligion-cheap.com
23. truereligion2sale.com
24. jeanswholesaling.com
25. outlet-jeans.com
26. truereligionlike.com
27. cheapertruereligionjeans.net
28. cheaptruereligionjeans2u.com
29. cheaptruereligionjeans2011.com
30. truereligionoutletusa.com
31. cheaptruereligionjeans-sale.com
32. truereligionjeansbox.com
33. truereligionjeans4sale.com
34. mycheaptruereligionjeans.com
35. cheaptruereligionjeansoutlets.com
36. cheaptruereligionjeansoutlets.net
37. myfashionjeans.com
38. buytruereligionjeans.net (qiquwang.net)
39. cheapertruereligionjeans.com
40. truereligionoutlet-sale.com
41. truereligionoutlets2011.net
42. discounttrjeans.com
43. true-religion-jeans-outlet.com
44. cheapjeanstruereligion.info
45. cheaptruereligionjeans.info

46. saletruereligionjeans.info  
47. truereligionjeans-outlet.cc  
48. truereligionjeans-outlet.info  
49. truereligionjeans-outlets1.info  
50. truereligion-outlet.cc  
51. truereligionoutletjeans.info  
52. truereligion-outletjeans.info  
53. truereligionoutletjeans.cc  
54. truereligionjeanssale.cc  
55. truereligionoutlet.cc  
56. jeans-true-religion.com  
57. truereligionoutletjeans-new.info  
58. jeans-true-religions.com  
59. truereligionbrandjeansstore.com  
60. nikecool.com  
61. v9mall.com  
62. tinrui.com  
63. cheap-skys.com  
64. gotradingzone.com  
65. the9thstreet.com  
66. brandstribе.com  
67. trade88cn.com  
68. fashionchoose.com  
69. bestkf.com  
70. cheerwholesale.com  
71. moriver-trade.com  
72. tradevoid.com  
73. inttopbrand.com  
74. toshoesa.com  
75. pengfashionshoes.com  
76. longfengtrade.com  
77. wiwitrade.com  
78. aaanbajersey.com  
79. cyberdealing.com  
80. cheaptruereligionjeanssale.net  
81. cheaptrue-religionjeans.com  
82. cheap-true-religion-jeans.com  
83. world203.com  
84. truereligion4sale.com  
85. franklinmarshalls.com  
86. trademoment.com

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

OAKLEY, INC.,	)	
	)	
Plaintiff,	)	Case No. 12-cv-9864
	)	
v.	)	<b>Judge Robert M. Dow, Jr.</b>
	)	
DOES 1-100 d/b/a the aliases identified on	)	<b>Magistrate Judge Jeffrey Cole</b>
Schedule "A",	)	
	)	
Defendants.	)	
	)	

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**PRELIMINARY INJUNCTION ORDER**

THIS CAUSE being before the Court on Plaintiff Oakley, Inc.'s ("Oakley") Motion for Entry of a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiff's Motion for Entry of a Preliminary Injunction in its entirety against the Defendants listed in Schedule A to Oakley's Complaint (collectively, the "Defendants") and orders that:

1. Defendants, their officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be preliminarily enjoined and restrained from:
  - a. using Oakley's OAKLEY Trademarks or any reproduction, counterfeit copy or colorable imitation thereof in any manner in connection with the distribution, advertising, offering for sale, or sale of any product that is not a genuine Oakley product or not authorized by Oakley to be sold in connection with Oakley's OAKLEY Trademarks;

- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine Oakley product or any other product produced by Oakley, that is not Oakley's or not produced under the authorization, control or supervision of Oakley and approved by Oakley for sale under Oakley's OAKLEY Trademarks;
- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of Oakley, or are sponsored or approved by, or connected with Oakley;
- d. further infringing Oakley's OAKLEY Trademarks and damaging Oakley's goodwill;
- e. otherwise competing unfairly with Oakley in any manner;
- f. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Oakley, nor authorized by Oakley to be sold or offered for sale, and which bear any of Oakley's OAKLEY Trademarks or any reproduction, counterfeit copy or colorable imitation thereof;
- g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Domain Names or any other domain name that is being used to sell counterfeit OAKLEY products; and
- h. operating and/or hosting websites at the Defendant Domain Names and any other domain names registered or operated by Defendants that are involved with the distribution, advertising, offering for sale, or sale of any products which bear any of Oakley's OAKLEY Trademarks or any reproduction, counterfeit copy or colorable imitation thereof.

2. The domain name registries for the Defendant Domain Names, namely, VeriSign, Inc., Neustar, Inc., Afilias Limited and the Public Interest Registry, within five (5) business days of receipt of this Order, shall unlock and change the registrar of record for the Defendant Domain Names to MarkMonitor or a registrar of Oakley's selection until further ordered by this Court, and the domain name registrars shall take any steps necessary to transfer the Defendant Domain Names to MarkMonitor or a registrar of Oakley's selection until further ordered by this Court.
3. Those in privity with Defendants and those with notice of the injunction of paragraph 1 hereto, including any online marketplace such as iOffer, Internet search engines, web hosts, domain name registrars and domain name registries that are provided with notice of the injunction, shall cease facilitating access to any and all websites and accounts through which Defendants engage in the sale of counterfeit and infringing goods using the OAKLEY Trademarks.
4. Discovery herein by Oakley may continue by providing actual notice, pursuant to subpoena, e-mail or otherwise, of this Order to any of the following:
  - a. Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them;
  - b. any banks, savings and loan associations, payment processors or other financial institutions including, without limitation, PayPal or other merchant account providers, payment providers, third party processors, credit card associations (e.g., MasterCard and VISA), which receive payments or hold assets on Defendants' behalf; or
  - c. any third party service providers including, without limitation, online B2B selling platforms, including iOffer, Internet service providers, back-end service providers,



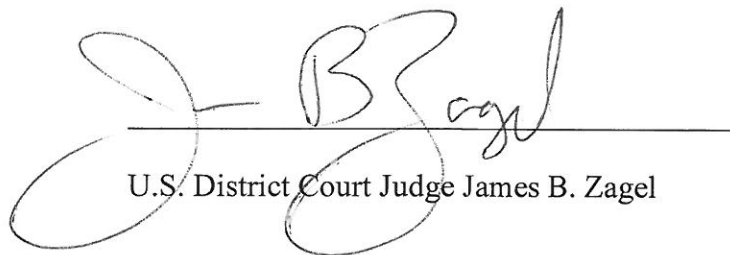
web designers, sponsored search engine or ad-word providers, shippers, domain name registrars and domain name registries who have provided services for Defendants.

5. Any third party providing services for any of the Defendants, or in connection with any of Defendants' websites at the Defendant Domain Names or other websites operated by Defendants, including, without limitation, Internet Service Providers ("ISPs"), back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant account providers including PayPal, third party processors and other payment processing services, shippers, domain name registrars and domain name registries (collectively, "Third Party Providers") shall, within five (5) business days after receipt of such notice, provide to Oakley copies of all documents and records in such person's or entity's possession or control relating to:
  - a. The identities and addresses of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them and the locations and identities of Defendants' operations, including, without limitation, identifying information associated with Defendants' Websites, the Defendant Domain Names and financial accounts;
  - b. Defendants' websites;
  - c. The Defendant Domain Names or any domain name registered by Defendants; and
  - d. Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions including, without limitation, PayPal, Western Union, or other merchant

account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).

6. Defendants and any persons in active concert or participation with them shall be temporarily and preliminarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
7. Any banks, savings and loan associations, payment processors or other financial institutions including, without limitation, PayPal, for any Defendant or any of Defendants' websites, shall immediately locate all accounts connected to Defendants or Defendants' websites, and such accounts shall be temporarily and preliminarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
8. Schedule A and Exhibits 1 and 2 attached to the Declaration of Adrian Punderson are unsealed.
9. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to Oakley or on shorter notice as set by this Court.
10. The \$10,000 bond posted by Oakley shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

DATED December 27, 2012



U.S. District Court Judge James B. Zagel

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TRUE RELIGION APPAREL, INC. and  
GURU DENIM, INC.,  
Plaintiffs,

v.

DOES 1-100 d/b/a the aliases identified  
on Schedule "A",  
Defendants.

Case No. 12-cv-9894

**Judge Sharon Johnson Coleman  
Magistrate Judge Sidney I.**

**Schenkier**

**ORDER**

THIS CAUSE being before the Court on Plaintiffs True Religion Apparel, Inc. and Guru Denim, Inc.'s (together, "True Religion") Motion for Entry of a Preliminary Injunction, and this Court having heard the evidence before it hereby GRANTS Plaintiffs' Motion for Entry of a Preliminary Injunction in its entirety against the Defendants listed in Schedule A to True Religion's Complaint (collectively, the "Defendants") and orders that:

1. Defendants, their officers, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, under or in active concert with them be preliminarily enjoined and restrained from:
  - a. using True Religion's TRUE RELIGION Trademarks or any reproduction, counterfeit copy or colorable imitation thereof in any manner in connection with the distribution, advertising, offering for sale, or sale of any product that is not a genuine True Religion product or not authorized by True Religion to be sold in connection with True Religion's TRUE RELIGION Trademarks;



- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine True Religion product or any other product produced by True Religion, that is not True Religion's or not produced under the authorization, control or supervision of True Religion and approved by True Religion for sale under True Religion's TRUE RELIGION Trademarks;
- c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control or supervision of True Religion, or are sponsored or approved by, or connected with True Religion;
- d. further infringing True Religion's TRUE RELIGION Trademarks and damaging True Religion's goodwill;
- e. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for True Religion, nor authorized by True Religion to be sold or offered for sale, and which bear any of True Religion's TRUE RELIGION Trademarks or any reproduction, counterfeit copy or colorable imitation thereof;
- f. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Domain Names or any other domain name that is being used to sell counterfeit True Religion products; and
- g. operating and/or hosting websites at the Defendant Domain Names and any other domain names registered or operated by Defendants that are involved with the distribution, advertising, offering for sale, or sale of any products which bear any of

True Religion's TRUE RELIGION Trademarks or any reproduction, counterfeit copy or colorable imitation thereof.

2. The domain name registries for the Defendant Domain Names, namely, VeriSign, Inc., Neustar, Inc., Afiliast Limited and the Public Interest Registry, within five (5) business days of receipt of this Order, shall unlock and change the registrar of record for the Defendant Domain Names to MarkMonitor or a registrar of True Religion's selection until further ordered by this Court, and the domain name registrars shall take any steps necessary to transfer the Defendant Domain Names to MarkMonitor or a registrar of True Religion's selection until further ordered by this Court.
3. Those in privity with Defendants and those with notice of the injunction of paragraph 1 hereto, including any online marketplace such as iOffer, Internet search engines, web hosts, domain name registrars and domain name registries that are provided with notice of the injunction, shall cease facilitating access to any and all websites and accounts through which Defendants engage in the sale of counterfeit and infringing goods using the TRUE RELIGION Trademarks.
4. Discovery herein by True Religion may continue by providing actual notice, pursuant to subpoena, e-mail or otherwise, of this Order to any of the following:
  - a. Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them;
  - b. any banks, savings and loan associations, payment processors or other financial institutions including, without limitation, PayPal or other merchant account providers, payment providers, third party processors, credit card associations (e.g.,

MasterCard and VISA), which receive payments or hold assets on Defendants' behalf; or

c. any third party service providers including, without limitation, online B2B selling platforms, including iOffer, Internet service providers, back-end service providers, web designers, sponsored search engine or ad-word providers, shippers, domain name registrars and domain name registries who have provided services for Defendants.

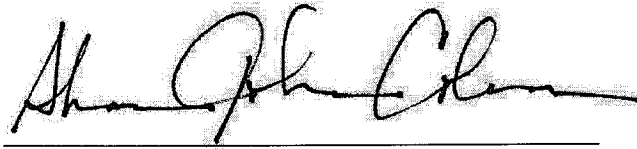
5. Any third party providing services for any of the Defendants, or in connection with any of Defendants' websites at the Defendant Domain Names or other websites operated by Defendants, including, without limitation, Internet Service Providers ("ISPs"), back-end service providers, web designers, sponsored search engine or ad-word providers, banks, merchant account providers including PayPal, third party processors and other payment processing services, shippers, domain name registrars and domain name registries (collectively, "Third Party Providers") shall, within five (5) business days after receipt of such notice, provide to True Religion copies of all documents and records in such person's or entity's possession or control relating to:

- a. The identities and addresses of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them and the locations and identities of Defendants' operations, including, without limitation, identifying information associated with Defendants' Websites, the Defendant Domain Names and financial accounts;
- b. Defendants' websites;
- c. The Defendant Domain Names or any domain name registered by Defendants; and

- d. Any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions including, without limitation, PayPal, Western Union, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
6. Defendants and any persons in active concert or participation with them shall be temporarily and preliminarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
7. Any banks, savings and loan associations, payment processors, PayPal or other financial institutions, for any Defendant or any of Defendants' websites shall immediately:
  - a. Locate all accounts connected to Defendants, Defendants' Marketplace Accounts or Defendants' websites, including, but not limited to, any PayPal accounts connected to the email addresses listed in Schedule B hereto; and
  - b. Restrain and enjoin such accounts from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
8. Schedule A and Exhibits 5 and 6 attached to the Declaration of Deborah Greaves are unsealed and True Religion will file unsealed copies with the Court.
9. True Religion will file an unsealed copy of this Order with the Court once any identified financial accounts are frozen pursuant to Paragraph 7 of this Order.

10. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order on two days' notice to True Religion or on shorter notice as set by this Court.
11. The \$10,000 bond posted by True Religion shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated.

DATED: January 15, 2013

A handwritten signature in black ink, appearing to read "Sharon Johnson Coleman", is written over a horizontal line.

Sharon Johnson Coleman  
U.S. District Court Judge